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ABSTRACT

The booklet contains the U.S. Government Report which accompanied the Education of the Handicapped Act Amendments of 1986 (Public Law 99-457) and a commentary on the law written by the National Center for Clinical Infant Programs. The bill is intended to establish a federal discretionary program to assist states in developing and implementing an interdisciplinary program of early intervention services for handicapped infants, toddlers, and their families and to strengthen the incentive for states to serve handicapped children aged 3 to 5 years. The report contains: (1) a one paragraph summary of the bill; (2) a background statement explaining the need for the law; (3) cost estimates by the Congressional Budget Office; (4) a section by section statement of the intent of the law; and (5) the language of the law itself, with changes identified. The commentary article attempts to place the law in the broader context of current national initiatives on behalf of very young children and their families. The article stresses five points, including the need to move beyond complex service systems requiring parents to coordinate services, the importance of including health services as an integrated part of a early intervention system, and the need to avoid inappropriate assessment and premature labeling of children. (DB)

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Report Accompanying The Education Of The Handicapped Act Amendments of 1986

(House Report #99-860)

and

Commenting On P.L. 99-457

by

Linda Gilkerson
Asa Grant Hilliard III
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from *Zero to Three*, February, 1987

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This booklet includes two documents that are likely to be useful to those who wish to study the Education of the Handicapped Act Amendments of 1986, to influence the development of regulations, and to participate fully as the Act is implemented.

The **Report Accompanying the Education of the Handicapped Act Amendments of 1986 (House Report #99-860)** is a U.S. Government document, but one which is no longer available from the Congress as of February, 1987. The report contains several important features, including:

- a one paragraph summary of the bill
- a background statement containing the need for the law
- cost estimates by the Congressional Budget Office
- a section by section statement of the intent of the law
- the language of the law itself, with changes identified.

Commenting on P.L. 99-457 is an article published in the February, 1987 (Volume VII, No. 3) issue of Zero to Three, the bulletin of the National Center for Clinical Infant Programs. Its four authors, each with different professional training and experience, are Board or staff members of the National Center for Clinical Infant Programs, a non-profit organization concerned with the healthy development of infants, toddlers and their families. The article attempts to place P.L. 99-457 in the broader context of current national initiatives on behalf of very young children and their families and suggests selected points to consider as the development of regulations and implementation of the Act proceed.

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Washington, DC
February, 1987

REPORT ACCOMPANYING
THE EDUCATION OF THE HANDICAPPED
ACT AMENDMENTS OF 1986

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99TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
99-860

EDUCATION OF THE HANDICAPPED ACT AMENDMENTS OF 1986

SEPTEMBER 22, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. HAWKINS, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany H.R. 5520]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 5520) to amend the Education of the Handicapped Act to reauthorize the discretionary programs under that Act, to authorize an early intervention program under that Act for handicapped infants and toddlers and their families, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill do pass.

The amendments appear in italic type in the reported bill.

SUMMARY

As approved by the Committee on Education and Labor, H.R. 5520 accomplishes three objectives. First, the bill amends the Education of the Handicapped Act (EHA) by establishing a new Federal discretionary program to assist States to develop and implement a comprehensive, coordinated, interdisciplinary program of early intervention services for handicapped infants and toddlers and their families.

Second, the bill amends the pre-school incentive provision and other sections in part B of EHA to strengthen the incentive for States to serve all handicapped children aged three to five, inclusive. Finally, the bill amends part B evaluations and amends and extends the authority for the discretionary programs under parts C through G.

71-006 O

COMMITTEE ACTION

Hearings were held by the Subcommittee on Select Education to extend the discretionary programs under the Education of the Handicapped Act (hereinafter in this report referred to as "the Act") on August 27, October 22 and 23, and November 26, 1985.

The witnesses testifying were: Judy Johnson, Office of Public Instruction, State of Montana, accompanied by Gail Gray, Director of Special Education, State of Montana; Michael Hagen, Director, Montana Center for Handicapped Children, Eastern Montana College; Katharin Kelker, Parent; Richard Van Den Pol, Director, Big Sky Preschool Program, University of Montana; Robert Richards, Superintendent, Plentywood School District, Plentywood, Montana; Doris Helge, Director, National Rural Development Institute, Western Washington University.

Others providing testimony were: Judith A. Burkhartsmeyer, Ed.S., Montana Association of School Psychologists; Christine Y. Mason, Ph.D., Associate Professor, Eastern Montana College; Ralph Kroon, Montana Rural Education Center; Susan E. Lehinger, Ed.D., Director, Human Services and Education Departments, Flathead Valley Community College; Montana Association for Children and Adults with Learning Disabilities; George C. Camp, Ph.D., Associate Professor of School Psychology, University of Montana; and Richard B. Offner, Ph.D., Director, Montana University Affiliated Program Satellite, University of Montana.

Also testifying were: Carl Dunst, Ph.D., Director, Family, Infant, and Preschool Programs, Western Carolina Center; Brian A. McNulty, Ph.D., Executive Director of Special Education, Colorado Department of Education; Eugene Edgar, Ph.D., Professor, University of Washington; William R. Scales, Ph.D., Assistant Director, Counseling Center and Director, Disabled Student Services, University of Maryland; Andrew Abramson, Student, American University, Washington, D.C.; and Beth Stephens, Ph.D., Director, Department of Defense Dependent Schools.

Additional witnesses were: Wendy M. Cullar, Chief, Bureau for Education for Exceptional Students, Florida Department of Education; Judy Edlund, School Services Coordinator, Special Education Unit, Vermont Department of Education; Winifred Guthrie Anderson, Parent Education Advocacy Training Center, Alexandria, Virginia; S. James Rosenfeld, CRR Publishing Company, Alexandria, Virginia; Judy Smith-Davis, Editor, Counter-Point, Reno, Nevada; and G. Thomas Bellamy, Professor, University of Oregon.

Also testifying were: Miles Kawatachi, Director of Special Education, State of Hawaii; Dr. Dan Anderson, Educational Specialist, Hawaii Department of Special Education; Dr. Jo-Alyce K. Peterson, Educational Specialist, Hawaii Department of Special Education; Winona Rubin, Executive Director, Alu Like, Inc.; Myron Thompson, Trustee, Kamehameha School, Bishop Estate; and Britt Robillard, Social Science Research Institute, University of Hawaii at Manoa. Ivalee Sinclair, Executive Director, HACLD, also provided testimony.

On June 6, 1986, the Senate passed S. 2294, the Education of the Handicapped Amendments of 1986. The bill was referred to the House Committee on Education and Labor for consideration. The

Subcommittee on Select Education held hearings on S. 2294 on July 23, 24, and 29, 1986.

Among the witnesses testifying were: Barbara Hanft, Occupational Therapy Association, representing the Consortium for Citizens with Developmental Disabilities; Honorable Tom Vickers, State Senator, State of Nebraska, representing the National Conference of State Legislatures; Frederick Weintraub, Assistant Executive Director, Council for Exceptional Children; Frank New, Ohio State Director of Special Education, representing the National Association of State Directors of Special Education; Don Sheldon, Deputy Director, American Association of School Administrators; Carol Reedstrom, Parent, Huron, South Dakota, representing the Association for Retarded Citizens; Gary Timmons, National Education Association; and Alicia Smith, Staff Director, Committee on Human Resources, National Governors Association.

Also testifying were: Jacqueline Vaughn, President, Chicago Federation of Teachers; Verna Hart, Professor, University of Pittsburgh, representing United Cerebral Palsy; James Oglesby, Secretary/Treasurer, National School Boards Association, Member, Columbia, Missouri School Board, representing the National School Boards Association; Martha H. Ziegler, Executive Director, Federation of Children with Special Needs, representing the National Network of Parent Centers; Joseph Helmick, Chairman, Department of Speech Communication, Texas Christian University, representing the American Speech-Language-Hearing Association; John Watts, Parent, Wall Township, New Jersey, representing the National Society for Children and Adults with Autism; Ann Bardwell, Kentucky State Board of Education, representing the National Association of State Boards of Education; and Carmen Taylor, National Indian School Boards Association.

Additional witnesses were: Honorable George Miller, Member of Congress from the State of California, Chairman, House Select Committee on Children Youth and Families; Carol Berman, Director of Development, National Center for Clinical Infant Programs; Joan Sylvester, Vermont Association for Retarded Citizens; Michael Casserly, Legislative and Research Associate, The Council of the Great City Schools; Ann Kinkor, Patent, Rancho Palos Verdes, California, representing the Epilepsy Foundation of America; Liz Vincent, President, Division of Early Childhood, representing The Association for the Severely Handicapped and Interact; Samuel J. Meisels, Professor of Education and Research Scientist, Center for Human Growth and Development, University of Michigan; and David Davis representing the Alexander Graham Bell Association for the Deaf.

Also providing testimony were: Sandra S. Parrino, Chairperson, National Council on the Handicapped; Madeline C. Will, Assistant Secretary for Special Education and Rehabilitative Services, U.S. Department of Education; Randall Parker, Ph.D., President, American Rehabilitation Counseling Association and Professor, Rehabilitation Counseling Education, University of Texas at Austin; Dave Brooks, Ph.D., President, American Mental Health Counselors Association and Assistant Professor, Counseling and Guidance, Syracuse University; American Rehabilitation Counseling Association; Millie Waterman, Vice-President for Legislative Activity, the Na-

tional PTA; Honorable Daniel K. Akaka, member of Congress from the State of Hawaii; Dr. Sylvia Walker, Director, Howard University Center for the Study of Handicapped Children and Youth; Richard Long, Washington Representative, International Reading Association; Don F. Rettberg, Colonel, U.S. Air Force; Scott Thompson, Executive Director, National Association of Secondary School Principals; and Edward P. Keller, Deputy Executive Director, National Association of Elementary School Principals.

On September 16, 1986, Mr. Williams introduced H.R. 5520, a bill (hereinafter in this report referred to as "the bill") to reauthorize the discretionary programs under the Education of the Handicapped Act and for other purposes. The bill was referred to the Committee on Education and Labor.

On September 17, 1986 the Committee on Education and Labor met in open session and considered H.R. 5520. The bill was then ordered reported by the Committee on Education and Labor by a recorded vote of 33–0.

Background and Need for the Legislation

The Education of the Handicapped Act (EHA) is the principal Federal legislation for providing Federal assistance to State and local educational agencies to meet the special educational and related services needs of handicapped children and youth. Central to the Act is part B, the State-formula grant program (The Education for All Handicapped Children Act, Public Law 94–142), which requires each State receiving assistance to provide a free appropriate public education to all handicapped children in the State, regardless of the nature or severity of their handicapping conditions.

In addition to the State-formula program, EHA authorizes discretionary grant programs aimed at supporting and improving the direct services provided under part B of EHA, including such activities as: research, demonstration, training, technical assistance, dissemination, and model projects.

A complete history of the discretionary program as well as the major changes made by the 98th Congress are contained in House Report No. 98–410, accompanying H.R. 3435, the Education of the Handicapped Act Amendments of 1983. Major accomplishments made under part B and the discretionary programs are set out in the Seventh and Eighth Annual Reports to Congress on the Implementation of the Education of the Handicapped Act.

Based on testimony by witnesses at the seven hearings, discussions with experts from around the country, a review of reports submitted by the Department of Education, a report entitled Toward Independence issued by the National Council on the Handicapped, and a review of the literature, the Committee finds that there is a need to amend the Education of the Handicapped Act to more adequately address the needs of handicapped infants and toddlers (aged birth to two, inclusive) and handicapped pre-schoolers (aged three to five, inclusive).

Because of advances in research methodology, instrumentation, and theory, educators and behavioral scientists have come to view even very young infants as capable of participating in complex interactions with their world. For example, we now believe that

newborns have a functioning perceptual system capable of intersensory coordination, that they are capable of making multiple categorizations, that they possess both central and peripheral vision at birth, can coordinate visual and auditory input by age 2½ months, show evidence of recognition memory by 4 months, and are able to recognize relatively abstract two-dimensional stimuli by 5 months.

Infants are also competent and capable of exhibiting complex and voluntary motor activity much earlier than once thought. For example, researchers have found that infants as young as 12 months of age were able to use pointing behavior to call interesting objects to the attention of others, and that over several complex motor behaviors, including touching their ear (7 months), shaking a toy (9½ months), and clapping (12 months). Thus, social competence can develop very early in life.

However, in addition to participating in social relationships, infants are also capable of initiating and maintaining social interactions at a very early age. There is clear evidence to suggest that socialble infants are capable of eliciting more stimulation from care-givers and that this heightened social competence leads to accelerated cognitive development.

Thus, the infant's developing physical, cognitive, and social competencies are very important. Because of our recognition of the early appearance of these and other competencies, infants increasingly are being viewed as active organizers of their experience and not as passive and helpless creatures. Likewise, such recognition has also made it more feasible and tenable to develop early successful intervention approaches for handicapped infants and toddlers.

The Committee therefore concludes that an overwhelming case exists for expanding and improving the provision of early intervention and preschool programs. The Committee's conclusions comport with the Department's findings in its Seventh Annual Report to the Congress:

> Studies of the effectiveness of preschool education for the handicapped have demonstrated beyond doubt the economic and educational benefits of programs for young handicapped children. In addition, the studies have shown that the earlier intervention is started, the greater is the ultimate dollar savings and the higher is the rate of educational attainment by these handicapped children.

More specifically, testimony and research indicate that early intervention and preschool services accomplish the following:

(1) help enhance intelligence in some children;

(2) produce substantial gains in physical development, cognitive development, language and speech development, psychosocial development and self-help skills;

(3) help prevent the development of secondary handicapping conditions;

(4) reduce family stress;

(5) reduce societal dependency and institutionalization;

(6) reduce the need for special class placement in special education programs once the children reach school age; and

(7) save substantial costs to society and our nation's schools.

In addition, the Committee concludes that the discretionary programs continue to serve as an essential support system to the State-formula grant program. Changes are made to improve the current framework.

EXPLANATION OF H.R. 5520

TITLE I—HANDICAPPED INFANTS AND TODDLERS

Section 101 of the bill adds part H to the Education of the Handicapped Act (the Act) under which a new discretionary program is established to provide early intervention services necessary to meet the special needs of handicapped infants and toddlers and their families.

Findings and policy

New section 671 of the Act contains the findings and policy of the new part. Congress finds an urgent and substantial need to: enhance the development of handicapped infants and toddlers and minimize their potential for developmental delay; reduce the educational costs to our society, including our schools; minimize the likelihood of institutionalization; and enhance the capacity of families to meet the special needs of their infants and toddlers with handicaps.

It is therefore the policy of the United States to provide financial assistance to States to: develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency program of early intervention services for all handicapped infants and toddlers and their families; facilitate coordination of payments for early intervention services from various public and private sources; and enhance its capacity to provide quality early intervention services and expand and improve existing services.

Definition of the term "handicapped infants and toddlers"

New section 672 of the Act defines the term "handicapped infants and toddlers" to mean individuals from birth to age two, inclusive, who need early intervention services because they are (1) experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the following areas: cognitive development, physical development, language and speech development, psycho-social development, or self-help skills, or (2) have a diagnosed physical or mental condition which has a high probability of resulting in developmental delay.

The phrase "birth to age two, inclusive" means infants and toddlers from birth until they reach their third birthday. However, this provision shall not be construed to prohibit an agency from continuing to provide services where a child turns three during the summer and services provided by a local educational agency do not commence until September. Where the local provider of early intervention services and the local educational agency are not the same, it is essential that the agencies coordinate their efforts to transition the child to the special education system operated by the local educational agency.

The phase "have a diagnosed physical or mental condition which has a high probability of resulting in developmental delay" is included to enable States to serve categories of infants and toddlers who will need early intervention services even though many will not exhibit developmental delays at the time of diagnosis.

Examples, include: Downs Syndrome and other chromosomal abnormalities which are likely to result in mental retardation; severe microcephaly; Cornelia de Lange Syndrome; sensory impairments; Rubenstein-Taybi Syndrome; Fetal Alcohol Syndrome; Epilespy; and Inborn Errors of Metabolism.

The term may also include, at a State's discretion, individuals from birth to age two, inclusive, who are "at risk" of having substantial developmental delays if early intervention services are not provided. The phrase "at risk" includes infants and toddlers who are not otherwise covered by the general definition described above. See Tjossem, Theodore. Early Intervention: Issues and Approaches. In Tjossem, T., ed. Intervention Strategies for High Risk and Handicapped Children. Baltimore, University Park Press, 1976. p. 5.

The term "developmental delay" has the meaning given such term by a State. In providing this discretion to the States, the Committee wishes to emphasize that it is not our intent to permit a State to totally ignore or establish standards of measurement or other definitional provisions that preclude addressing any one of the five developmental areas included in the definition. Thus, it is expected that the definition will encompass levels of functioning in all five developmental areas.

Definition of the term "early intervention services"

The term "early intervention services" means developmental services which satisfy seven criteria. First, such services are provided under public supervision. This means that ultimate responsibility for the provision of services remains with the lead agency designated or established by the Governor. The fact that ultimate responsibility rests with the lead agency should not be construed in any way to limit the agency's authority to make arrangements with local service providers (public and private) who in turn may contract or make arrangements with others for the provision of services.

Second, early intervention services must be provided at no cost except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees.

Third, early intervention services are designed to meet a handicapped infant's or toddler's developmental needs in the following areas: physical development, cognitive development, language and speech development, psycho-social development, and self-help skills. Fourth, such services must meet the standards of the State, including the requirements of the new part.

Fifth, early intervention services include, but are not limited to: family training, counseling, and home visits; special instruction; speech pathology and audiology; occupational therapy; physical therapy; psychological services; case management services; medical services only for diagnostic or evaluation purposes; early identification, screening, and assessment services; and health services neces-

sary to enable the infant or toddler to benefit from the other early intervention services.

The early intervention services included in the bill are not meant to be exhaustive; rather they are intended to be illustrative of the types of services a handicapped infant or toddler may receive under this program.

The phrase "case management services" includes services provided to families of handicapped infants and toddlers to assist them in gaining access to early intervention services and other services identified in the infant or toddlers' individualized family service plan; to ensure timely delivery of available services; and to coordinate the provision of early intervention services with other services (such as medical services for other than diagnostic and evaluation purposes) which the infant or toddler needs or is being provided.

The Committee intends that case management be an active, ongoing process of continuously seeking the appropriate services or situations to benefit the development of each infant or toddler being served for the duration of each child's eligibility.

Specific case management services include: coordinating the performance of evaluations; assisting families in identifying available services providers; participating in the development of the IFSP, coordinating and monitoring the delivery of available services; informing families of the availability of advocacy services available to the family; coordinating with the medical and health providers; and facilitating the development of a transition plan to preschool services, where appropriate.

The term "health services necessary to benefit from other early intervention services" does not include such services as: surgical or purely medical procedures such as cleft palate surgery; surgery for club foot; management to congential heart ailments; management of cystic fibrosis; and shunting of hydrocephalus.

Sixth, early intervention services are provided by qualified personnel, including, but not limited to, special educators, speech and language pathologists and audiologists, occupational therapists, physical therapists, psychologists, social workers, nurses, and nutritionalists. This list is not meant to be exhaustive. Thus, for example, physicians would be considered qualified personnel with respect to the performance of assessments and diagnoses.

Seventh, early intervention services are provided in conformity with an individualized family service plan, except that because infant development is relatively rapid and therefore undue delay could be potentially harmful, such services may commence before the completion of the initial plan with the parent's consent.

General authority

New section 673 of the Act provides general authority to the Secretary of Education to make grants to States to assist the States develop and implement a comprehensive, coordinated, multidisciplinary program of early intervention services for handicapped infants and toddlers and their families. This program is designed to build upon existing State systems of serving handicapped infants and toddlers and to facilitate the development of systems in States desiring to serve this population.

Continuing authority

New section 674 of the Act specifies the general criteria a State must satisfy in order to be eligible for assistance under the new part H—the State must have established (which term includes the designation of) a State Interagency Coordinated Council.

New section 675 of the Act specifies the criteria governing continuing eligiblity for assistance under the new part H. In order to be eligible for the first or second year of a State's participation under part H, a State must include in its application assurances that funds will be used to assist the State to plan, develop, and implement the statewide system.

It is expected that funds will be used under this part for the first three years to accomplish many of the same objectives expected to have been accomplished under the planning, development and implementation grants authorized under section 623(b) of current law.

In order to be eligible for a grant under part H for the third year of a State's participation, a State must include information and assurances demonstrating that the State has adopted a policy which incorporated all of the components of a statewide system of early intervention services (unless the State has obtained a waiver from the State).

The statewide system must be in effect (except as provided in the next sentence) before the beginning of the fourth year. With respect to the development and implementation of an individualized family service plan (required by section 676(b)(4), in the fourth year the State need only: conduct multidisciplinary assessments, develop individualized family service plans, and make available case management services. Other early intervention services need not be made available to all handicapped infants and toddlers until the beginning of the fifth year of a State's participation in the program. See below for a discussion of the components of the statewide system of early intervention services).

It is expected that the State application will include all of the policies constituting the statewide system. This requirement may be satisfied by including a copy of the applicable statute or regulations.

The Secretary may permit a State to continue to receive assistance for the third year even if it has not adopted the policy establishing the statewide system if the State demonstrates that is has made a good faith effort to adopt such a policy, the reasons for its failure and the steps it will take to ensure its adoption, and an assurance that the policy will go into effect before the beginning of the fourth year. For example, the Secretary may grant a waiver if the policy is awaiting action by the State legislature but the legislative session does not commence until after the date the State's application must be submitted.

In order to be eligible for assistance for the fifth and succeeding years of a State's participation under part H, the State must have in effect the statewide system of early intervention services required by section 676, including, among other things, a policy that appropriate early intervention services will be available to all handicapped infants and toddlers in the State.

Components of a statewide system

New section 676 of the Act specifies the minimum components of a statewide system consisting of a comprehensive, coordinated, multidisciplinary, interagency program providing early intervention services for all handicapped infants and toddlers and their families.

First, the statewide system must include the definition of the term "developmentally delayed" to be used by the State in carrying out the program.

Second, the system must include timetables for ensuring that all appropriate early intervention services will be made available to all handicapped infants and toddlers in the State before the beginning of the fifth year of a State's participation under part H.

Third, for each handicapped infant and toddler in the State, the statewide system must include the performance of a timely comprehensive multidisciplinary evaluation of the functioning of each handicapped infant and toddler and the needs of the families to appropriately assist in the development of the handicapped infant and toddler.

Fourth, for each handicapped infant and toddler in the State, the statewide system must include the development of an individualised family service plan, including the provision of case management services.

Fifth, the system must include a comprehensive child find system that includes a system for making referrals to service providers. The system of referrals must include timeliness and provide for the participation by primary referral sources. "Primary referral sources" include hospitals, physicians, other health care providers, public health facilities, and day care facilities.

The Committee recognizes the existing and long established child find procedures established under part B may be an appropriate vehicle for satisfying this requirement. However, such procedures must be modified or expanded (if necessary) to include a system of referrals and the system must include timeliness and provide for the participation by primary referral sources.

Sixth, the system must include a public awareness program focusing on early identification of handicapped infants and toddlers.

Seventh, the system must include a central directory which includes early intervention services, resources, and exports available in the State and research and demonstration projects being conducted in the State.

Eighth, the system must include a comprehensive system of personnel development. The system must include training of public and private service providers, primary referral sources, and persons who will provide services after receiving such training. Services and training may be provided directly by the State or through a grant, contract or other arrangement with other entities.

The Committee believes that this component is one of the most important in the system. Without qualified personnel, services will not affect the successes envisioned by the program. To the extent that a State's current system of personnel development established under part B already includes the training of the personnel described above to provide early intervention services, consistent with

this part, such a State would be considered in compliance with this section.

Ninth, the system must include a single line of authority in a lead agency designated or established by the Governor to carry out: the general administration, supervision, and monitoring of programs and activities; the identification and coordination of all available resources within the State from Federal, State, local, and private sources and the assignment of financial responsibility to the appropriate State agency; the resolution of State interagency disputes and procedures for ensuring the provision of services pending the resolution of such disputes; and the entering into formal State interagency agreements that define the financial responsibility of each State agency for paying for early intervention services (consistent with State law) and include, among other things, procedures for resolving disputes.

Without this critical requirement, there is an abdication of responsibility for the provision of early intervention services for handicapped infants and toddlers. Although the bill recognizes the importance of interagency responsibility for providing or paying for appropriate services, it is essential that ultimate responsibility remain in a lead agency so that buckpassing among State agencies does not occur to the detriment of the handicapped infant or toddler.

In determining whether an entity satisfies the requirements described above, the Secretary must consider the functions performed by the entity and not its title. For example, in Texas the State legislature has established the Interagency Council on Early Childhood Intervention which is akin to the lead agency under this new section of the Act.

In State's serving significant numbers of Indian handicapped infants and toddlers, the lead agency must consult with and obtain input from Tribal education offices/committees, BIA schools, tribal schools, head start programs and other providers of service at the local and State level to ensure that the needs of these infants and toddlers are considered and accounted for in the statewide system.

Tenth, the system must include a policy pertaining to the contracting or making of other arrangements with local service providers, i.e., those entities with which the State makes arrangements for, among other things, the infant or toddler's assessment; the development of an individualized family service plan; and the provision of services. The policy must include the contents of the application used and the conditions of the contract or other arrangements.

It is the Committee's intent that the policy developed by the State must be consistent with the provisions of this part. Thus, for example, it is the Committee's intent that an individualized family service plan developed by a local service provider will be consistent with the provisions of section 677 of part H.

Eleventh, the system must include a procedure for securing timely reimbursement of funds used under part H in accordance with section 681(a).

Twelfth, the system must include policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out the purposes of part H are

appropriately and adequately prepared and trained including: (1) the establishment and maintenance of standards which are consistent with any State approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area in which they are providing early intervention services, and (2) to the extent such standards are not based on the highest requirements in the State applicable to a specific profession or discipline, the steps the State is taking to require the retraining or hiring of personnel that meet appropriate professional requirements in the State.

Finally, the system must include the establishment of a system for compiling data regarding the early intervention programs (which may be based in part on a sampling of data).

Individualized family service plan

New section 677 of the Act describes the individualized family service plan. Under subsection (a) each handicapped infant or toddler and the infant's or toddler's family must receive a multidisciplinary assessment of unique needs and the identification of services appropriate to meet such needs and a written individualized family service plan developed by a mulitdisciplinary team, which includes the parents or guardian. The Committee wishes to make it clear that the parents or guardian may decide to invite someone to the meeting to assist them present their positions.

Under subsection (b), the individualized family service plan must be evaluated at least once a year and the family must be provided a review of the plan at least at 6-month intervals (or more often where appropriate based on infant, toddler, and family needs) to determine the degree to which progress toward achieving the outcomes are being made and whether modifications or revisions of the outcomes or services are necessary.

Under subsection (c), the individualized family service plan must be developed within a reasonable time after the assessment. However, with the parent's consent, early intervention services may commence prior to the completion of the assessment. The authority to allow services to commence prior to the completion of the assessment should be the exception and not the rule. Further, this authority should not be used as a means for systematically circumventing the obligation to complete the assessment and develop the plan within a reasonable time.

Under subsection (d), the individualized family service plan must be in writing and contain the following statements and information. First, a statement of the infant's or toddler's present levels of physical development, cognitive development, language and speech development, psycho-social development, and self-help skills based on professionally acceptable objective criteria. Second, a statement of the family's strengths and needs relating to enhancing the development of the family's handicapped infant or toddler.

Third, a statement of the major outcomes expected to be achieved for the infant or toddler and the family; the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary.

Fourth, a statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency and intensity and the method of delivering services. Fifth, the projected dates for initiation of services and the anticipated duration of such services.

Sixth, the name of the case manager from the profession most immediately relevant to the infant's or toddler's or family's needs who will be responsible for the implementation of the plan and coordination with other agencies and persons.

Finally, the steps to be taken supporting the transition of the handicapped infant or toddler to services provided under part B of the Act to the extent special education and related services are considered appropriate. Thus, steps to transition a child are unnecessary if the child, as a result of early intervention services, does not require special education and related services.

The Committee wishes to emphasize that the provision regarding the individualized family service plan does not require that any agency or person be held accountable if an infant or toddler does not achieve the growth projected, i.e., the plan does not constitute a guarantee of results. However, agencies and persons are not relieved of the responsibility of making good faith efforts to assist the infant or toddler in achieving the outcomes or the right to complain if the parent feels that these efforts are not being made.

State applications and assurances

New section 678 of the Act sets forth the policies governing the submission of a State's application and statement of assurances and the approval by the Secretary. With respect to the application, the State must include, among other things, information demonstrating that the State has provided public hearings, adequate notice of such hearings, and an opportunity for comment to the general public before the submission of such application and before the adoption by the State of the policies described in such application, and a summary of the public comments and the State's responses. It is the Committee's intent that public input be obtained prior to the formulation of a State policy; and not simply serve as a rubber stamp for a such policy.

The application must also describe the procedure used to ensure an equitable distribution of resources made available under part H among all geographic areas within the State. The State must also submit a statement of assurances, which may be submitted once and remain on file with the Secretary and be revised only when considered necessary by the Secretary.

No State may receive a grant under this part unless the Secretary has approved the application and statement of assurances of that State. The Secretary may not disapprove such an application or statement of assurances unless the Secretary determines, after notice and opportunity for a hearings, that the application or statement of assurances fails to comply with the requirements of the part.

Uses of funds

New section 679 of the Act specifies that in addition to using funds under part H to plan and develop the statewide system, a

State may use such funds to implement the system, including the provision of direct services that are not otherwise provided from other public or private sources and to expand and improve on services for handicapped infants and toddlers that are otherwise available.

Procedural safeguards

New section 680 sets out the procedural safeguards which must provide, at a minimum, for: the timely resolution of administrative complaints by parents and the right to appeal to State or Federal court; the right to confidentiality of personally identifiable information; the opportunity to examine records; procedures to protect the rights of the handicapped infant and toddlers whenever the parents or guardian of the child are not known, unavailable or the child is a ward of the State, including the assignment of a surrogate; and written prior notice to the parents or guardian under specified circumstances; procedures to ensure that the notice is in the parents or guardian's native language, and procedures to ensure the provision of services pending the resolution of the complaint.

The Committee wishes to emphasize that there are two types of complaints a parent might file under this part. The first type includes complaints concerning the State's compliance with those sections of the law applicable to the parents' or guardian's particular infant or toddler. For example, a parents' complaint might assert a failure to perform an appropriate assessment; a failure to develop an appropriate individualized family service plan; or a failure to make available a particular early intervention service specified in the individualized family service plan, such as special instruction.

It is the Committee's intent that the procedure for resolving this category of complaints include the presentation and examination of all information relevant to the issues and a presentation of relevant viewpoints before an impartial individual with knowledge of the law and the needs of and services available for handicapped infants and toddlers.

It is also the Committee's intent that the procedures developed by the State result in speedy resolution of complaints because an infant's development is rapid and therefore undue delay could be potentially harmful. Thus, it would be acceptable for the impartial individual to attempt to mediate the complaint. However, if such an attempt is unsuccessful, it would be expected that the record be retained and that the decision be in writing to allow a parent, who is so inclined, to appeal to the courts.

The Secretary may approve any system that includes the full set of procedural safeguards contained in part B.

The second type of complaint includes more systemic issues such as the State's failure to develop a statewide system which includes the components set out in new section 676 of the Act. This would include the failure to develop an impartial system for resolving complaints. It is the Committee's intent that the procedure for resolving this category of complaints must be consistent with the system described in the Education Department General Administrative Regulations (34 CFR 76.780 et seq.). Of course, it is also expected that the Department of Education will develop procedures

for resolving parental complaints of the systemic type described above.

Payor of last resort

New section 681 of the Act specifies that funds provided under part H may not be used to satisfy a financial commitment for services which would have been paid for from another public or private source but for the enactment of this part. However, the State may use part H funds to pay the provider of such services pending reimbursement by the agency which has ultimate responsibility for the payment whenever considered necessary to prevent the delay in the receipt of the appropriate early intervention services by the handicapped infant or toddler. The State must develop a procedure for securing timely reimbursement as part of the statewide system.

Consistent with the above requirement, new section 681 also specifies that nothing in part H should be construed to permit the State to reduce medical or other assistance available or to alter eligibility (to the detriment of handicapped infants or toddlers) under title V (relating to maternal and child health) or title XIX of the Social Security Act (relating to Medicaid for handicapped infants and toddlers) within the State.

It is the intent of Congress that the enactment of this legislation should not be construed as a license to any agency (including the lead agency and other agencies in the State), to withdraw funding for services that currently are or would be made available to handicapped infants and toddlers but for the existence of this legislation. Rather, the Committee intends to provide the impetus to facilitate interagency agreements with respect to service delivery to handicapped infants and toddlers and their families.

Thus, it is our intent that other funding sources continue; that there be greater coordination among agencies regarding the payment of costs; and that funds made available under part H be used only for direct services for handicapped infants and toddlers that are not otherwise provided from other public or private sources and to expand and improve on services that are not otherwise available.

For example, one major Federal program exists which is aimed at the reduction of serious developmental and health risks. The Early and Periodic Screening, Diagnosis and Treatment program (EPSDT) was established in 1967 "to discover, as early as possible, the ills that handicap our children" and to provide "continued follow up and treatment so that handicaps do not go neglected." Strong and specific program linkages with EPSDT must be made in a State if we are going to accomplish the purposes of this part.

State Interagency Coordinating Council

New section 682 provides for the establishment (which includes the designation) of a State Interagency Coordinating Council, and specifies its composition, rules governing its meetings, its management authority, its functions and responsibilities, rules governing conflict of interest and the use of existing councils.

It is the Committee's expectation that the Council will plan a central role in accomplishing the purposes of this part. The Committee recognizes that State level interagency cooperation has been

instrumental in the successes which have been achieved in meeting the needs of handicapped infants and toddlers and that such cooperation is essential. Thus, for example, the Council must provide meaningful advice and assist the lead agency develop and implement the policies constituting the statewide system of coordinated, comprehensive, multidisciplinary programs under which appropriate early intervention services to handicapped infants and toddlers and their families. Further, the persons representing the State agencies should have sufficient authority to represent the agency. The appointment of representatives of primary referral sources should facilitate the effective functioning of the Council.

To the extent that a State has established a Council before September 1, 1986 that is comparable to the Council called for in the Act, such Council shall be considered to be in compliance with the law. Within 4 years, after the date the State accepts funds under section 673, such State must establish a Council that complies in full with this section.

Federal administration

New section 683 of the Act specifies the policies governing Federal administration.

Allocation of funds

New section 684 specifies the policies governing the allocation of funds among the States. Under the bill, the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States, except that no State may receive less than 0.5 percent.

The Committee fully expects to review the use of census data for making the allocation among States when the Congress reauthorizes this part in five years. Particular consideration will be given to the use of child count procedures comparable to those used under part B.

This section also includes an allocation to the Secretary of the Interior of 1.25 percent of the amount available to all States under part H for that fiscal year for the provision of early intervention services to handicapped infants and toddlers and their families. The Committee expects that interagency agreements will be entered into among appropriate agencies such as Indian Health Service, BIA Social Services, BIA Office of Education and the Department of Education. Too often handicapped Indians are "lost in the bureaucratic shuffle" while a determination is being made as to who is responsible for which services. Special attention is to be given in these interagency agreements to the use of homebound teachers and utilization of a strong family based component.

Authorization of appropriations

New section 685 of the Act authorizes to be appropriated to carry out part H $50 million for fiscal year 1987, $75 million for fiscal year 1988, and such sums as may be necessary for each of the three succeeding fiscal years.

Study of services; coordination of actions

Section 101(b) of the bill mandates a joint study to be conducted by the Secretary of Education and the Secretary of Health and Human Services of the Federal funding sources, service gaps, and problems with service delivery for early intervention programs and provides for the coordination of interagency actions. A joint report must be submitted to Congress no later than 18 months after the date of the enactment of this Act describing the findings of the study and the joint actions taken.

It is the Committee's expectation that the Department of Education will take the lead in carrying out this section. By including this study, it is Congress' expectation that the various Federal agencies will develop a uniform policy that ensures maximum availability of funding for early intervention services from existing sources.

TITLE II—HANDICAPPED CHILDREN AGED 3 TO 5, INCLUSIVE

Section 201 of the bill amends section 619 of the Act to repeal the current incentive grant program and create in lieu thereof a new pre-school grant program. The bill authorizes to be appropriated for the pre-school grant program such sums as may be necessary.

Based on data prepared by the Department of Education, the States are currently serving more than 75 percent of the handicapped children aged three to five, inclusive in the country (260,000 out of 330,000). As a result of testimony presented to both Houses of Congress, the Committee fully expects that, with the enhanced incentives for serving three to five year old handicapped children, all States will be serving all eligible children by school year 1990–91 or 1991–92, depending on the level of funds appropriated under the preschool program by the Congress.

The bill establishes maximum per child amounts which a State may receive under the new program; includes conditions which a State must satisfy in order to be eligible for assistance; prescribes the apportionment of funds between the State educational agency and local educational agencies and the procedure for suballocating funds to local educational agencies; identifies acceptable uses of funds under this program; includes an amendment concerning the circumstances under which a State may count handicapped children aged 3–5 for purposes of receiving funds for the basic State grant under section 611 of the Act and other conforming amendments to section 611.

Maximum State allocations

With respect to the maximum levels a State may receive under the new program, the bill sets different levels for each of the fiscal years 1987 through 1989 and fiscal years thereafter. Pursuant to the General Education Provisions Act, part H is forward funded; thus, for example, funds appropriated in fiscal year 1987 are available to grantees in school year 1987–88.

For fiscal year 1987, of the funds appropriated, the Secretary must first allocate to each State $300 per 3–5 year old served in the previous school year in accordance with section 611(a)(3) of the Act.

The purpose of this provision is to reward States that are currently serving this age group.

The Secretary must then allocate to each State an amount equal to the portion of the appropriation available after making the allocations described in the previous paragraph to all States (the excess appropriation) divided by the estimated increase, from the preceding fiscal year, in the number of handicapped children aged three to five, inclusive who will be receiving special education and related services in all States multiplied by the estimated number of such children in such State. The Secretary shall develop regulations that prescribe the procedure States must use for making estimates; and the date by which the estimate must be submitted; and the date on which the actual number of additional children is determined.

Under no circumstances can a State receive more than $3800 per additional child served. If the amount appropriated exceeds the amount of grants which may be made to the States for such fiscal year, the excess amount appropriated must remain available for obligation for two succeeding fiscal years.

If the actual number of additional children served in a fiscal year differs from the State's estimate, the Secretary must adjust (upwards or downwards) a State's allotment for the subsequent fiscal year. In developing policies regarding an upward adjustment, the Secretary shall ensure, to the maximum extent feasible, that the State receives the amount of funds it would have been entitled to if its estimate had been accurate. This calculation should be made before the Secretary computes the calculation for the current year. Funds from the current year shall be used to make this adjustment.

Set out below is an example demonstrating how the policy described in the previous paragraphs would work. Assume that in State A 2000 handicapped pre-schoolers were served during the 1986–87 school year and that the State planned on serving an additional 500 children during the 1987–88 school year (a total of 2,500 preschoolers). Assume further that during the 1986–87 school year all the States served 260,000 children and that all States expected to serve 26,842 additional children (one-third of the estimated unserved population) during the 1987–88 school year. Finally, assume that Congress appropriates $180 million.

Consistent with these assumptions, State A would be allocated under section 619 (in addition to its per child allocation under the part B State-formula grant) a total of $2,500,000. First, the State would receive $300 for each child served in the previous year ($300×2000=$600,000). Because the total allotment for all States would be $78,000,000 ($300×260,000=$78,000,000), there is $102,000,000 remaining for allocation to States based on the number of additional children to be served during the 1987–88 school year.

Since the estimate of the number of additional children to be served in all the States is 26,842, this means each additional child will generate $3,800, the maximum permitted under law. Thus, in State A in addition to the $600,000, the State is entitled to $1,900,000 ($3,800×500=$19,000,000). Thus, the total of $2,500,000 ($600,000+$1,900,000=$2,500,000).

In the next fiscal year, 2,500 preschoolers is the base for State A and any preschoolers above the base would be considered additional children eligible for an amount not to exceed $3,800 per child.

The policy described above also applies for the fiscal years 1988 and 1989; except that the $300 ceiling is raised to $400 in fiscal year 1988 and $500 in fiscal year 1989. For fiscal years 1990 and thereafter there is no distinction between children served in the previous and current school years; instead the maximum is set at $1000 per child served in the preceding school year in accordance with section 611(a)(3) of the Act. The bill also includes a ratable reduction provision which applies whenever funds appropriated are insufficient to pay States in full the maximum amounts which they may receive.

Eligibility criteria

With respect to the conditions a State must satisfy in order to be eligible for assistance under section 619, the bill provides that for fiscal years 1987–89, a State must meet the eligibility requirements and have a State plan approved under part B of the Act (section 612 and 613) and provide special education and related services to some but not necessarily all handicapped children aged 3–5.

For fiscal year 1990 and thereafter, in order for a State to be eligible for the pre-school grant, a State must meet the eligibility requirements under part B of the Act and amend its State plan approved under part B to include policies and procedures that assure the availability under the State law and practice of such State of a free appropriate public education for all handicapped children aged 3–5.

The requirement to serve all 3–5 year old handicapped children during the fiscal year 1990 is postponed one school year (until fiscal year 1991) if either of the following events occur: (1) the aggregate appropriations for the fiscal years 1987, 1988, and 1989 was less than $656,000,000 or (2) the appropriation for fiscal year 1990 was less than $306,000,000.

The $656,000,000 figure constitutes the total amount of funds which would be required to be appropriated over a three year period to serve all preschoolers (based on projections made by the Department of Education) at the maximum prescribed amounts. The $306,000,000 constitutes an appropriation based on an assumption of 340,000 children served $900 per child.

Allocation of funds; authorized uses

With respect to the apportionment of funds between the State and local educational agencies and intermediate educational units and authorized uses of funds, the fill provides that for fiscal year 1987 a State must distribute at least 70 percent to local educational agencies and intermediate educational units, not more than 25 percent may be reserved by the State educational agency for planning and development of a comprehensive delivery system (consistent with the purposes for which the State received a grant under section 623(b) of the Act during school years prior to 1987–88) and for direct and support services for handicapped children aged 3–5, and not more than 5 percent may be reserved by the State educational agency for administrative expenses.

For fiscal year 1988 and thereafter the proportion is at least 75 percent to local educational agencies and intermediate educational units, not more than 20 percent for planning and development and direct and support services, and not more than 5 percent for administrative expenses.

With respect to the services provided by the local educational agency, such services must be provided in conformity with all rules applicable to children aged 6–17, including the development of an individualized education program. In this regard, the Committee is aware of the especially critical role the family plays in the development of the very young child.

Role of the family

The Committee received overwhelming testimony affirming the family as the primary learning environment for children under six years of age and pointing out the critical need for parents and professionals to function in a collaborative fashion. Therefore, the Committee expects that whenever appropriate and to the extent desired by the parents, the pre-schooler's IEP will include instruction for parents so that they can be active and knowledgeable in assisting their child's progress.

Alternative delivery systems

The Committee also wishes to observe that there are currently a variety of effective special education models for serving handicapped children aged 3–5 being utilized across the country. Based on the unique needs of the particular child, these models range from part-day home-based to part or full-day center-based.

Sanctions

As explained above, the Committee fully expects that, with the enhanced incentives for serving three to five year old handicapped children, all States should be serving all eligible children by fiscal year 1991 at the latest.

The bill includes three provisions prescribing the consequences of the failure of a State to serve all handicapped children aged 3–5 by the prescribed timeline. First, as explained above, if a State fails to serve all handicapped children aged three to five, inclusive by school year 1990–91 or 1991–92, depending on the level of appropriations for FY1987–90, the State will not be eligible for assistance under the preschool grant until it serves those children.

Second, the bill amends the formula for allocating part B funds by specifying that any State that fails to provide a free apropriate public education for all handicapped children aged 3–5 by the applicable fiscal year may not count its 3–5 year old handicapped children for purposes of receiving that portion of its part B allotment.

Third, section 202 of the bill amends part A of the Act by adding a new section 609 which provides that effective during the school years in which a State must provide a free appropriate public education to all handicapped children aged 3–5 in order to be eligible for a grant under section 619 (pre-school grant), no State or local educational agency or intermediate educational unit or other public institution or agency may receive a grant under parts C

through G which relates exclusively to programs, projects, and activities pertaining to children aged three to five, inclusive unless the State is eligible for a pre-school grant under section 619.

For example, a public agency in a State that does not serve all handicapped children aged three to five, inclusive, after the date the requirement goes into effect would be ineligible for a grant to operate a demonstration project serving preschoolers under section 623, Handicapped Children Early Education Program. However, a public agency would be entitled to funds for personnel preparation if the nature of the grant is to train special educators serving any age groups, including 3–5.

In making the above changes regarding the provision of services to handicapped children aged 3–5, it is the Committee's understanding that States which currently mandate the provision of services to this age group must continue to do so.

Supplement, not supplant; interagency coordination

Section 203 of the bill clarifies the relationship among public agencies for providing or paying for services set out in a child's individualized education program. This issue was the subject of a recent report entitled "Special Education—Financing Health and Educational Services for Handicapped Children", prepared by the United States General Acconting Office (GAO/HRD–86–62BR, July, 1986).

The GAO Report concludes that Congress, in enacting P.L. 94–142, established a single line of authority and placed this authority with educational agencies. This means that if there are disputes among agencies regarding responsibility for paying for a particular service, then pending the resolution, the educational agency must ensure that the handicapped child receives the services set out in his or her IEP. The effect of this policy is to prevent buckpassing among agencies from occurring.

Although P.L. 94–142 designated the State educational agency is as responsible for ensuring that handicapped children receive a free appropriate public education, GAO found that it did not make the educational agency solely financially responsible for all services provided. Thus, with respect to which agency must ultimately pay for the appropriate services, Congress intended that the services be paid for from various sources, including funds appropriated under P.L. 94–142, State and local educational funds, as well as funds from other Federal, State, and local sources such as Medicaid for which the handicapped children qualify.

In support of this conclusion, GAO (p. 29) quotes the Senate Report accompanying P.L. 94–142:

> . . . the state educational agency is responsible for assuring that funds for the education of handicapped children under other Federal laws will be utilized. . . .
> . . . there are local and state funds and other Federal funds available to assist in this process. Any funds available from the Federal Government are clearly in addition to funds provided under this Act and are available to states to assist them in carrying out their responsibilities

under state laws, state constitutions, and the U.S. Constitution, and should be so utilized.

In sum, Congress established a legal framework under which one agency is ultimately accountable (the educational agency) and multiple agencies are expected to pay for appropriate services (educational agencies as well as health, welfare, and other social service agencies).

The Committee bill includes four amendments to part B that reaffirm and operationalize congressional intent in this regard. The amendments: (1) will re-establish an important part of the Federal, State, and local base on which EHA was to have been built; (2) avoid the tendency to distort the IEP process because of Medicaid funding considerations; (3) provide an efficient system for supporting the provision of special education and related services to handicapped children; and (4) provide a Federal model for interagency coordination.

Section 612(6) of the Act is amended by clarifying the policy set forth therein placing ultimate responsibility on the State educational agency for ensuring compliance with the requirements of part B of the Act. The bill explains that this policy should not be construed to limit the responsiblity of agencies other than educational agencies in a State from providing or paying for some or all of the costs of a free appropriate public education to be provided handicapped children in the state.

Section 203 of the bill also amends the State plan provision in part B in three ways. First, the "supplement, not supplant" assurance (section 613(a)(9)(B)) is amended. As amended, the provision states that the State must provide satisfactory assurance that Federal funds made available under part B will be used to supplement and increase the level of Federal, State and local funds (including funds that are not under the direct control of State or local educational agencies) expended for special education and related sercices provided to handicapped children under part B and in no case to supplant such Federal, State and local funds. The amendment retains the waiver provision in current law. The assurance is submitted by the State, through the State educational agency.

It is the Committee's intent that under the "supplement, not supplant" provision, as amended, funds provided under part B will not be used to satisfy a financial commitment for services which would have been paid for by other Federal, State, and local agencies (including health agencies) pursuant to policy or practice but for the enactment of part B and the listing of the service in a handicapped child's individualized educational program. The intent of this provisions is to ensure that services currently being provided or paid for by other agencies for handicapped children will be continued.

Second, section 613(a) of the Act is amended by adding a requirement that the State set forth policies and procedures for developing and implementing interagency agreements between the State educational agency and other appropriate State and local agencies to define the financial responsibility of each agency for providing handicapped children with a free appropriate public education and resolve interagency disputes, including procedures under which local educational agencies may initiate proceedings under the

agreement in order to secure reimbursement from other agencies or otherwise implement the provisions of the agreement.

It is the Committee's intent that in the formulation of an interagency agreement the State educational agency obtain meaningful input from local educational agencies or their representatives.

Third, section 613 of the Act is amended by adding a new subsection (e) which provides that part B shall not be construed to permit a State to reduce medical or other assistance available or to alter eligibility under title V or title XIX of the Social Security Act with respect to the provision of a free appropriate public education for handicapped children within the State.

This amendment is not intended in any way to suggest that medical assistance provided under Medicaid pays for traditional educational services; rather, this provision states that the requirements in part B should not be construed to permit the elimination from Medicaid coverage of those health-related or other services covered by title V or title XIX of the Social Security Act which would have been provided but for the fact that they are required to be provided by a child's IEP.

Department of Defense schools

Pursuant to section 1409(c) of the Defense Dependent's Education Act of 1978, the provisions of part B of the Education of the Handicapped Act apply with respect to all schools operated by the Department of Defense under the Act. Consistent with this provision of law, it is the Committee's intent that Department of Defense schools will serve all handicapped children aged three to five, inclusive before the school year 1990–91 or the school year 1991–92, depending on whether Congress appropriates the level of funds set out in the new section 619(b)(2).

TITLE III—DISCRETIONARY PROGRAMS

Regional resource and Federal centers

Section 301 of the bill amends section 621 of the Act, which establishes regional resource centers, in the following ways. First, the bill permits the regional resource centers to provide assistance with respect to early intervention services for handicapped infants and toddlers and their families. Second, the bill specifies that services provided by these centers must be consistent with the priority needs identified by the States served by a center and with the Department's findings contained in monitoring reports.

Third, the functions of the centers are expanded to include the provision of information to and training for agencies, institutions, and organizations regarding techniques and approraches for submitting applications for grants, contracts, and cooperative agreements under parts C through G of the Act. At the hearings, witnesses from small rural States expressed concern that although they could implement a grant as well as applicants that won grant competitions, they were not provided the opportunity to demonstrate this capacity because they did not know what the reviewers expected in applications.

The purpose of this authority is to provide applicants with requisite grant writing skills; it is not the intent of this provision to pro-

vide assistance to applicants with respect to the completion of a particular application for a particular grant competition.

The Committee also wishes to clarify its intent with respect to the function specified in current law that centers may assist in the improvement of information and dissemination to and training activities for professionals and parents of handicapped infants, toddlers, children, and youth. The Committee intends that the term "professionals" includes persons who work with or on behalf of parents, and parent training centers.

It is the intent of the Committee that the Secretary continue funding the current number of regional resource centers and that the geographic area they are designed to serve remain the same.

Fourth, the Secretary is authorized to establish one coordinationg technical assistance center focusing on national priorities established by the Secretary to assist the centers in the delivery of technical assistance, consistent with such national priorities. One of the issues this center may address is the training of hearing examiners.

Finally, the bill specifies that of the funds made available to carry out the centers, not less than the amount made available in the previous year must first be made available for the regional resource centers before using funds for the national center and not more than $500,000 may be used for the national center.

Services for deaf-blind children and youth

Section 302 of the bill amends section 622 of the Act in two ways. First, the bill authorizes the Secretary to make grants or enter into contracts or cooperative agreements for the development and operation of extended school year demonstration programs for severely handicapped children and youth, including deaf-blind children and youth.

Second, the bill authorizes the Secretary to make grants to, or enter into contracts or cooperative agreements with, the entities set out in section 624 of the Act for the purposes set out in section 624(a).

The Committee wishes to clarify certain aspects of this program. First, the intent of the provision pertaining to technical assistance is designed to guarantee quality services for children who are deaf-blind. The technical assistance must be evaluated in terms of the impact of children and teachers and the quality of the services provided.

The Committee recognizes deaf-blind children and youth as those who have concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

By retaining the section relating to deaf-blind children, the Committee recognizes the continued need for the resources offered by the State and multistate projects serving deaf-blind children and youth. These resources should be made available to certain severely, multiply handicapped children. While it remains the Committee's intention that the centers give priority consideration to underserved deaf-blind populations, the Committee recognizes that

not all eligible deaf-blind children and youth are classified as such. It is the intention of the Committee that grantees under this section serve eligible deaf-blind children and youth including those who are counted under other categories of exceptionality, but meet the eligibility criteria under the definition of deaf-blind.

Early Education for Handicapped Children.

Section 303 of the bill amends section 623 of the Act, which establishes the early education for handicapped children program, in several ways. These changes are designed to enhance the capacity of public agencies in the States to meet their additional responsibilities to serve preschoolers under title II of the bill and infants and toddlers under title I of the bill.

First, the bill clarifies that funds may be used to support demonstration and outreach programs as well as experimental programs. The bill also adds to the current purposes of such projects the following: to offer training about exemplary models and practices to State and local personnel and to support the adaption of exemplary models and practices in States and local communities.

It is the Committee's intent that the Secretary will place greater priority on the funding of outreach and demonstration projects than for experimental projects for 3–5 years olds in light of the timelines included in title II of this bill for serving all handicapped children in this age group.

Under current law, there is a 90/10 match. Under the bill, the need to come up with 10% may be waived in the case of an arrangement entered into with governing bodies of Indian tribes located on Federal or State reservations and with consortia of such bodies. It is the intent of the Committee that the 10% requirement be waived when it can be demonstrated that the Tribe has insufficient resources.

It is also the Committee's intent that the Secretary should fund projects that are specifically designed to demonstrate cost-effective methods for providing appropriate special education and related services to preschoolers and early intervention services to handicapped infants and toddlers.

Second, the bill directs the Secretary to arrange for the establishment of a technical assistance development system (TADS) to assist entities operating experimental, demonstration, and outreach programs and to assist State agencies to expand and improve services provided to handicapped children. This system is currently in existence under the authority of section 624 of the Act. Among the entities with whom the Secretary may make arrangements are State agencies.

Third, the bill directs the Secretary to arrange for the establishment of early childhood research institutes to carry on sustained research to generate and disseminate new information on early intervention for young handicapped children and their families. These institutes are currently funded under the authority of section 624 of the Act.

Fourth, the bill provides that at least one year prior to the termination of grant, contract, or cooperative agreement for a system or research institute, the Secretary must publish in the Federal Regis-

ter a notice of intent to recompete the award contingent on the appropriation of sufficient funds by Congress.

Fifth, the Secretary is authorized to make grants and enter into contracts or cooperative agreements for research to identify and meet the full range of special needs of handicapped children and for training of personnel for programs specifically designed for handicapped children.

Finally, the bill repeals the subsection in the Act authorizing State planning, development, and implementation grants for preschool and early intervention. It is the Committee's intent that these functions will continue to be performed with respect to preschoolers under the authority of section 619, as amended and with respect to infants and toddlers under the authority of new part H.

Testimony presented to the Congress referred to the results of studies conducted by the Native American Research Training Center of Northern Arizona University regarding the high incidence of handicapping conditions and children suffering from Fetal Alcohol Syndrome and Fetal Alcohol Effect. Congress also heard testimony from the Native Hawaiian Educational Assessment Project which found that Native Hawaiian students suffer from an across-the-board lack of parity with their peers nationally.

The Committee believes that the needs of handicapped American Indian children, Alaskan Native children, and Native Hawaiian children must be addressed specifically to enable these children to begin to overcome this lack of parity. Therefore the Committee directs the Secretary to make a grant to meet the needs of American Indians and a separate grant under this section to the State of Hawaii for the purpose of addressing the needs of native Hawaiian children with handicaps.

Research, innovation, training, and dissemination activities in connection with centers and services for the handicapped

Section 304 of the bill amends section 624 of the Act by focusing funding on programs for the severely handicapped. It is the Committee's intent that the term "severely handicapped" include severely handicapped native Americans, such as Indians, native Hawaiian and other native Pacific basin children and youth.

Postsecondary education programs

Section 305 of the bill amends section 625 of the Act, postsecondary education programs, in two ways. First, the bill adds a requirement that recipients must coordinate their efforts with and disseminate information about their activities to the clearinghouse on postsecondary programs.

Second, the bill requires that at least one year prior to the termination of a grant or contract with any of the four regional centers of the deaf, the Secretary must publish in the Federal Register a notice of intent to recompete the award, contingent on the appropriation of sufficient funds by Congress. The Committee directs the Secretary to hold any recompetitions for the four regional centers for the deaf as early in the last year of an award as possible to ensure maximum notice and continuity.

Secondary education and transitional services for handicapped youth

Section 306 of the bill amends section 626, secondary education and transitional services for handicapped youth, in several ways. First, the bill clarifies the policy that programs can serve not only handicapped youth currently in school but may also serve handicapped youth who recently left school.

Second, the bill clarifies the concept of "transition" to connote services that are provided to a handicapped child throughout his or her years in school, not simply during the last two or three years before he or she graduates out of the special education system. Thus, the purposes of the section are expanded to include stimulating the improvement of vocational and life skills of handicapped students to enable them to be better prepared for transition to adult life and services and developing special education curriculum and instructional techniques that will improve handicapped students' acquisition of skills necessary for transition to adult life and services. The bill also specifies "conducting studies of handicapped youth drop-outs" as a purpose of this section.

Third, the bill clarifies the criteria used to approve applications for assistance under this section. Fourth, the Secretary is authorized to make grants for demonstration projects and technical assistance in this area.

Finally, the bill adds a tenth category to the list of authorized projects—specifically designed physical education and therapeutic recreation programs to increase the potential of handicapped youths for community participation. The Committee wishes to emphasize the need to fund specifically designed physical education and therapeutic recreation programs to increase the potential of handicapped youths for community participation. Research studies have indicated that appropriate physical education services enhance the handicapped child's self-confidence, provide an avenue for self-expression and an opportunity to excel.

These are in addition to the direct benefits derived from improved health, strength, flexibility, body tone and body orientation. Reports and testimony presented to the Congress indicate that many schools are not including physical education services in student's individualized education programs. The Committee recognizes that physical education services are an important component of special education, and should be considered as such by those responsible for the development of IEPs for handicapped children.

Authorization of appropriations

Section 307 of the bill amends section 628 of the Act to set authorization levels for sections 621, 622, 623, 624, 625, and 626.

AUTHORIZATION LEVELS FOR FISCAL YEARS 1987–1989, PART C PROGRAMS—SECTIONS 621–626

[In millions]

Program area	FY87	FY88	FY89
Regional Resources and Federal Centers (621)	14.7	17.1	17.5
Services for Deaf-Blind Children and Youth (622)	15.9	16.8	17.8
Early Childhood Education (623)	24.47	25.97	27.41

AUTHORIZATION LEVELS FOR FISCAL YEARS 1987–1989, PART C PROGRAMS—SECTIONS 621–626—Continued

[In millions]

Program area	FY87	FY88	FY89
Severely Handicapped (624)	5.3	5.6	5.9
Postsecondary Education Programs (625)	5.9	6.2	6.6
Secondary Education and Transitional Services (626)	7.3	7.7	8.1

Grants for personnel training

The Committee is greatly concerned that shortages of qualified personnel in the provision of special education and related services to handicapped children are reaching crisis proportions. The data reported in testimony before the Subcommittee indicates that approximately one-fourth of the personnel in special education do not now meet State certification standards, in a number of school districts vacancies are going unfilled, class size and case loads are increasing, the number of colleges and universities offering training programs is declining and almost all States report that they are unable to fill these personnel needs from training programs within their borders. Five and ten year projections suggest an even worsening situation.

While we recognize that the Federal government can not solve this crisis alone, for it will also take major initiatives on the part of institutions of higher education, State and local educational agencies and professional associations, we believe that the long-standing Federal role in this area must be strengthened.

Section 308 of the bill amends section 631 of the Act, grants for personnel training, in the following ways. First, the bill clarifies the purpose of training to include training personnel in preschool and early intervention services. This authority is intended to address specific training issues within the disciplines listed in this bill pertaining to the needs of handicapped infants, toddlers, and children. Therefore, it is intended that this authority will support the preparation of individuals for a specific purpose within the larger disciplines; namely the achievement of the necessary knowledge and skills to work effectively on behalf of handicapped children from birth to age five, inclusive.

Second, the bill specifies that in making grants, the Secretary must base the determination on information relating to the present and projected need for the personnel to be trained based on identified State, regional, and national shortages, the capacity of the institution or agency to train qualified personnel, and other information considered appropriate by the Secretary.

The Committee recognizes that there are a variety of sources of information on the need for the personnel proposed to be trained and that the information needed will vary depending on the types of personnel to be trained. For example, an institution of higher education that prepares teachers of learning disabled children might best demonstrate the need for such personnel based on local or State information. Whereas a training program for teachers of the blind might see their graduates serving a region of the country

and provide information showing such need on a regional basis. We also recognize that certain personnel shortages, particularly in leadership positions, might best be addressed on a national basis and information submitted should reflect such needs. The Committee also urges an increased emphasis on projection of future personnel needs to enhance data on current needs.

We recognize that it takes time to develop a training program and more time to actually prepare the personnel. It is essential that the personnel preparation system supported under this section have the capacity to meet the future personnel needs of the field. The Committee has instructed the Secretary to determine the capacity of the institution of higher education or agency to train qualified personnel. Within this context, qualified personnel are individuals who upon graduating or completing training will meet certification or licensure requirements of the States in which they are being prepared to practice.

The Committee recognizes that institutions of higher education and agencies prepare personnel and emphasizes that the grants awarded under this section are for the purposes of helping them to build the capacity to train such personnel or financially assist them to do so. For this reason we believe that it is essential that the Secretary require information on the capacity of the prospective grantee to prepare qualified personnel. In this regard the Committee requires that any institution or agency that prepares qualified personnel under this section will meet State and professionally recognized standards for the preparation of such personnel. Further, the Secretary should obtain information from prospective grantees on their performance in preparing qualified personnel.

Third, the bill includes the application of new technology as an example of special projects designed to develop new approaches for training. By placing this authority in part D, the Committee wishes to emphasize the application of new technology to training. Also, added to the list of special projects is the training of teachers to work in community and school settings with handicapped secondary school students.

The Committee was provided testimony regarding the training of personnel working with children with specific learning disabilities i.e., children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect calculations. The Committee encourages institutions providing training of personnel who work with these children to address the disorder and the imperfect abilities of these children.

With respect to the training of personnel for working with Indian children, the benefits associated with employing educators and personnel of the same cultural background is documented. The Committee encourages the Office of Special Education Programs to work with the Bureau of Indian Affairs to assure the maximum number of Indian personnel working with American Indian and Alaskan Native children and their families. The "minority" Personnel Preparation Program should receive special focus in order to allow for the development and expansion of training projects.

Third, with respect to parent training centers under subsection (c) of the Act, the bill provides that parents (current law) and per-

sons who work with parents (instead of volunteers, which is in current law) are the beneficiaries of the training.

The bill also provides that such grants must be designed to meet the unique training and information needs of parents of handicapped children (current law), particularly (striking the word "including") those who are members of groups that have been traditionally underrepresented, living in the area to be served by the grant. The Committee intends that the term "traditionally underrepresented" includes, but is not limited to, minorities, the disadvantaged, persons with limited English proficiency, Indians, and Native Hawaiians.

Further, the Committee directs the Secretary to make a grant under this section to nonprofit organization serving the needs of native Americans. The Secretary is also directed to make a separate grant to a nonprofit agency in the State of Hawaii for the purpose of training native Hawaiian parents. Testimony presented to the Congress indicated that Hawaii has been underrepresented and underserved through the parent training and information programs, and the Committee believes it is appropriate to highlight the needs of this population. The Committee does not intend to imply, however, that American Indians and native Hawaiians are the only underrepresented and underserved groups of parents.

The Committee intends that training of parents and persons who work with parents with respect to understanding the requirements under part B of the Act includes those provisions pertaining to the identification, eligibility, placement, provision of special education and related services, evaluation, in addition to the procedural safeguards.

The bill also amends subsection (c) to specify that the Secretary give priority to grants which involve unserved areas. Finally, the bill clarifies that parent training and information programs may, at the recipient's discretion, include State or local educational personnel where such participation will further an objective of the program assisted by the grant.

Grants to State educational agencies and institutions for traineeships

Section 309 of the bill amends section 632 of the Act, grants for State educational agencies for traineeships, to direct the Secretary to make grants to each State educational agency and provides the Secretary with authority to make such grants to institutions of higher education to assist in establishing and maintaining preservice and inservice programs to prepare personnel to meet the needs of handicapped infants, toddlers, children, and youth, or supervisors of such persons, consistent with the personnel needs identified in the State's comprehensive system of personnel development under section 613.

Grants to improve recruitment of educational personnel and dissemination of information concerning educational opportunities for the handicapped

The Committee heard testimony which emphasized that a strong personnel training program must be balanced with efforts to recruit talented persons into seeking careers in special education and

related services and to link qualified personnel to employment opportunities.

Section 310 of the bill amends section 633 of the Act by renaming the heading to "Clearinghouses" and by removing responsibilities from the National Clearinghouse on the Education of the Handicapped related to recruitment of personnel and creating a new clearinghouse developed exclusively to encourage students to seek careers and professionals to seek employment in the various fields relating to the education of handicapped children and youth.

It is the Committee's intent that this clearinghouse be phased in so that in the first year of operation it will not impact significantly on the operation of existing clearinghouses and so that it will be able to take the necessary time to plan its future activities.

Authorization for part D

Section 311 of the bill amends section 635 of the Act to authorize the appropriation of funds to carry out part D (other than section 633) and section 633. The bill as provides that of the funds appropriated, the Secretary must reserve not less than 65 percent for activities described in subparagraphs (A) through (E) of section 641(a)(1).

AUTHORIZATION LEVELS FOR FISCAL YEARS 1987–1989, PART D PROGRAMS—SECTIONS 631–633

[In millions]

Program area	FY87	FY88	FY89
Personnel Preparation	$70.4	$74.5	$79.0
Personnel Preparation (Clearinghouses) (633)	1.2	1.9	2.0

Research and demonstration projects in education of handicapped children

Section 312 of the bill amends section 641 of the Act, research and demonstration projects in education of handicapped children, to make it clear that research may include issues related to early intervention for handicapped infants and toddlers. The bill also adds the following to the list of authorized uses of funds: the development of instruments, including but not limited to, tests, inventories, and scales for measuring progress of handicapped infants, toddlers, children and youth across a number of developmental domains.

The Committee is aware that more early intervention efforts are evaluated using child progress data obtained from developmental assessment scales which do not include handicapped infants or children in the norming sample or which do not have adequate normative data due to reliance on a small sample of children.

The Committee is further aware that behavior does not develop in an invariate sequence, as suggested by most existing developmental scales; instead, different orders or behavior can emerge as a result of several different developmental processes. The child's developmental capabilities, the environment's complexities, and the features of the tasks to be mastered by the child all interact to affect the process of behavioral acquisition or development. There-

fore it is likely that different handicapped children may display a different pattern of behavioral development, and this would mitigate against accurate assessment of development among handicapped infants and children using existing scales.

The Committee thinks that developmental assessment scales should be capable of accommodating this uniqueness. Therefore, the Committee directs the Office of Special Education to encourage the use of only a small number of developmental scales by funded projects. In this way data on a sufficiently large group of handicapped infants and children could be made available for a large scale norming effort which could ultimately provide more accurate scales and norms for assessing the developmental progress of young handicapped infants and children as well as provide better data for use in early intervention program evaluation.

In deciding which proposals to fund, the Secretary must consider the special education or early intervention experience of applicants.

The Committee continues to be concerned with improving the coordination between regular education and special education programs meeting the needs of handicapped children, particularly children with specific learning disabilities. Testimony was received to the effect that sometimes the same children were being taught using different and sometimes conflicting methods of instruction. The Committee encourages the Secretary to fund replicable projects which improve coordination to avoid these types of problems.

The Committee is also aware that certain groups of handicapped children are at risk for school dropout, deliquency, low-achievement, vocational and interpersonal problems. Some experts estimate that a significant number of children and youth with serious behavior disorders do not receive appropriate services. The Committee believes that research focused on the special needs of these students can lead to the development of new and improved interventions.

The Committee directs the Secretary to make a grant to, or enter into a cooperative agreement or contract with, an educational agency in the State of Hawaii providing comprehensive elementary and secondary educational services to native Hawaiian handicapped children and youth for the purpose of developing program models and demonstrations for native Hawaiian children and youth. Similarly, the Committee directs the Secretary to make a grant to Native American Indians.

Panels of experts

Section 313 of the bill amends section 643 of the Act, panels of experts in a number of ways. First, the Secretary must convene panels of experts who are competent to evaluate proposals for projects under parts C through G which includes a total funding request exceeding $60,000 and may convene panels for applications for less than such amount.

The $60,000 is a total, rather than a per year figure. Thus, for example if an application is made for $20,000 in year 1; $25,000 in year 2; and $25,000 in year 3, such an application would be subject to peer review because the total exceeds $60,000. The term "re-

quest" is intended to be generic; thereby covering solicited, unsolicited, and any other form of proposal.

The panels must be composed of individuals from the field of special education for the handicapped and other relevant disciplines who have significant expertise and experience in the content areas and age levels addressed in the proposals and handicapped individuals and parents of handicapped individuals when appropriate. The panels must include a majority of non-Federal members. For example, grants which serve Indian Tribes should include persons familiar with Indian programs and culture as part of their expertise and experience in a particular content area.

The bill also specifies the circumstances under which panels must be convened; and authority for payment of travel and per diem and consultant fees; and authority to use funds available under parts C through G to pay expenses and fees of non-Federal members of panels.

These amendments are designed to ensure that Federal funds are allocated to superior proposals through the maximum use of convened panels of experts. The composition of convened panels will bring to the review process multiple, diverse perspectives and knowledge of unique needs and innovative approaches which might not otherwise be available. The Committee's clear intent is that all members of a panel, including Federal employees, have the requisite expertise and experience set out in the provision.

Finally, to strengthen the review process and ensure the integrity of the proposal selection process, the Committee encourages the Secretary to engage in an aggressive search for and use of non-Federal panelists from around the Nation.

Authorization for part E

Section 314 of the bill amends section 644 to authorize for appropriation to carry out part E the following amounts:

AUTHORIZATION LEVELS FOR FISCAL YEARS 1987-1989, PART E PROGRAMS—SECTIONS 641-643

[In millions]

Program area	FY87	FY88	FY89
Research, Innovation, Training and Dissemination Activities	$118	$150	$261

Captioned films and educational media for handicapped persons

Section 315 of the bill amends section 652 of the Act to clarify that the purpose of section 652 includes addressing problems of illiteracy among the handicapped. The Committee is concerned with the high rate of illiteracy among deaf individuals. Thus, the Secretary is encouraged to build a literacy component into the captioned films program.

The bill also clarifies that public libraries may be used for the distribution of captioned films and other educational media and equipment. Showing captioned films in public libraries should prove to be a natural link between the social and educational functions of the films. The Secretary is encouraged to support creative public libraries which provide captioned films in concert with read-

ing and literacy programs with funds under this part. The Committee would like to make it clear, however, that the use of libraries as distribution centers for theatrical films is optional and subject to the deaf audience limitation.

The bill also authorizes grants or contracts for educational media and materials for the deaf under this section.

The bill also authorizes the Secretary to make a grant to or enter into a contract or cooperative agreement with the National Theatre of the Deaf. By providing this specific authority to receive grants under this part, the Committee intends to assure continued Federal support for this program of national significance.

The bill also repeals section 653, centers on educational media and materials for the handicapped and includes instead a new part G.

Authorization for part F

Section 316 of the bill amends section 653 of the Act to authorize for appropriation to carry out part F the following amounts:

AUTHORIZATION LEVELS FOR FISCAL YEARS 1987–1989, PART F PROGRAMS—SECTIONS 651–652

[In millions]

Program area	FY87	FY88	FY89
Captioned Films	$15.0	$15.75	$16.54

Technology, educational media, and materials for the handicapped

Section 317 of the bill adds a new part G (replacing section 653 of the Act) which is designated to advance the use of new technology, media, and materials in the education of handicapped students and the provision of early intervention to handicapped infants and toddlers. The new section 661 specifies four purposes of the assistance.

The Committee is greatly impressed with the efforts that are taking place in the application of technology, media, and materials in the education of handicapped children and youth. The technological advances of recent years, including computers, microprocessors, videotapes and discs, information and communication systems, robotics, and augmentative devices, have not only opened opportunities for improving the education of handicapped children never before envisioned, but have also presented problems in assuring their appropriate effective application. The Federal government, under part F of the Act, has played a long and significant role in this area and the Committee commends the Department's efforts in this regard.

H.R. 5520 separates the media, materials, and technology components under part F into a new part G to improve and expand its efforts in this regard and to more adequately reflect the program directions that the Committee believes need to be taken. It is expected that the funds associated with the projects and centers presently supported under part F, that are consistent with the provisions of the new part G and the funds appropriated for such purposes, will be transferred to part G.

In creating a new part G it is the Committee's intent that the projects and centers funded under this part be primarily for the purpose of enhancing research and development advances and efforts being undertaken by the public or private sector, and to provide necessary information linkages to make more efficient and effective, the flow from research and development to application.

Further, the Committee realizes that while the terms technology, educational media and materials are distinct, that these terms do overlap, and that the Secretary is encouraged, where appropriate, to fund projects and centers that integrate these components. While part G specifies the focus of the projects or centers to be funded under this part, the Committee encourages the Secretary to consider some of the following critical issues:

1. how to maximize private and public sector initiatives, particularly efforts to improve communication among developers, producers, and consumers;
2. how to afford handicapped children greater accessibility to existing media, materials, and technology;
3. how to design systems and techniques that can be utilized in schools for the more effective management and maintenance of specialized technology;
4. how to assist educational personnel evaluate the appropriateness of media, materials, and technology for the children they serve before purchasing such; and
5. how to translate research on effective instructional applications of technology, media, and materials into practice.

H.R. 5520 also amends part D of EHA by including under special projects for the preservice and inservice training of special education personnel the authority to train such personnel on the application of new technology. The Secretary is encouraged to coordinate the new authority under part D with the activities of part G, and the Secretary is encouraged to undertake efforts to ensure that the broad range of personnel serving handicapped children, including teachers, related services personnel, administrators, and college and university personnel, develop the skills necessary for the effective utilization of technology.

The new section 654 authorizes to be appropriated to carry out part G the following:

AUTHORIZATION LEVELS FOR FISCAL YEARS 1987–1989, PART G PROGRAMS—SECTION 661

[In millions]

Program area	FY87	FY88	FY89
Technology and Media	$10.0	$10.5	$11.025

Minorities and the discretionary programs

Individual discretionary programs under the Act have periodically supported projects and activities aimed at minority populations. Notable in this regard is the personnel preparation program whose projects include historically Black institutions as well as projects preparing personnel for limited English proficient, bilingual, Amer-

ican Indian, Asian/Pacific Islander and migrant children and youth.

A minority research institute on language proficiency is also being supported. The Committee intends that the programs authorized under parts C through G give necessary attention to improving program and services for minority handicapped children and youth. Where appropriate, other Department programs concerned with the disadvantaged, bilingual, and Indian children and youth should be consulted and involved in the dissemination of the results of such projects.

TITLE IV—MISCELLANEOUS

Removal of architectural barriers

Section 401 of the bill amends section 607 of the Act pertaining to architectural barriers to clarify that the Secretary may also make grants to the Secretary of the Interior for the purpose of removing barriers in schools serving Indians on reservations.

Definitions

Section 402 of the bill amends section 602(a) of the act by clarifying that community colleges receiving funding from the Secretary of the Interior under P.L. 95-471 are considered institutions of higher education for purposes of applying for grants under parts C through G of the Act (the discretionary programs) and that the term "public or private nonprofit agency or organization" includes an Indian tribe. Definitions of the terms "Indian" and "Indian tribe" are also included.

Allocation; State administration

Section 403 of the bill amends the 12 percent cap in section 611(a)(5)(A0(i) of the Act to be consistent with other changes in this bill regarding increased incentives to serve children aged 3 to 5, inclusive. In States that serve all handicapped children aged 3 to 5, inclusive, the determination of whether the 12 percent figure has been exceeded is determined by dividing the number of handicapped children aged 3–17, inclusive by the total number of children in the State aged 3–17.

Where a State serves some but not all handicapped children aged 3–5, inclusive, then the 12 percent is determined by dividing the number of handicapped children aged 5–17, inclusive by the total number of children in the State aged 5–17.

Section 403 of the bill also amends section 611(c)(2)(A)(ii) of the Act to allow for an expansion in the use of funds under the state set-aside for administration to the extent that the cost of monitoring and complaint investigation exceed the cost of monitoring and complaint investigation during fiscal year 1985. This will provide the States with additional resources to ensure that the Act is being appropriately implemented.

Indians

As explained previously, estimates by the Native American Research Training Center of Northern Arizona University indicate that the overall incidence of handicapping conditions among Amer-

ican Indians and Alaskan Natives are one and a half times greater than the rest of the American population. Section 404 of the bill amends section 611(f) of the Act to increase from 1 to 1.25 percent the amount reserved for use by the Secretary of the Interior for the education of handicapped children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior.

In addition to increasing the set-aside, this section directs the BIA to provide services to handicapped Indian children aged three to five, inclusive by or before the 1987–88 school year. Currently, service through the BIA to three- and four-year olds is premised on whether or not the State in which the Bureau school is located provides such services. In the 1985–86 school year, 18 three-year olds and 54 four-year olds were served under the plan. Two hundred and twenty-five five-year olds were served.

In some States, accrediting standards require service to 3–5 year olds. However, the BIA refuse to count these students in its formula for distribution of the funds. If the BIA does not provide the financial resources for service to 3–5 year olds, either other vital education programs or State accreditation of BIA-funded schools is in jeopardy. This clarification of the existing set-aside will assure the necessary funds and assure that the BIA serves 3–5 year olds. The Bureau should publish regulations as soon as possible to implement this provision but not later than February 1, 1987.

The Committee heard testimony that there has not been sufficient input from Indian Tribes, organizations, local Indian school boards, and individuals prior to the submission of the state plan from the Bureau of Indian Affairs. The bill requires that the Secretary of the Interior assure that all handicapped children aged 3 to 5, inclusive, receive a free appropriate public education by or before the 1987–88 school year and that there are public hearings, adequate notice of such hearings, and an opportunity for comment to members of tribes, tribal governing bodies, and designated local school boards before adoption of the policies, programs, and procedures required under section 614(a) of the Act. Consultation should occur during the development of the state plan; well in advance of its submission to the Secretary.

Qualified personnel

Section 405 of the bill amends section 613 of the Act (the State plan) by adding the following. States must include policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out the purposes of part B are appropriately and adequately prepared and trained, including:

(1) the establishment and maintenance of standards which are consistent with any State approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area in which he or she is providing special education and related services, and

(2) to the extent such standards are not based on the highest requirements in the State applicable to a specific profession or discipline, the steps the State is taking to require the retrain-

ing or hiring or personnel that meet appropriate professional requirements in the State.

The Committee is concerned about the increasing number of personnel providing special education and related services who do not meet the highest State standards established for employment in a specific profession or discipline. For example, many teachers providing special education have been issued temporary teaching certificates and do not meet the full certification standards related to the area in which they provide instruction. The Committee intends that the States will take steps to ensure that all special education teachers are fully qualified and certified for the area in which they are providing instruction.

The Committee also is concerned that some States have established education and training requirements for individuals providing services that do not apply to all members of that profession employed by State and local educational agencies. For example, 19 States currently require a speech-language pathologist to have a master's degree to legally provide services to handicapped infants and youth in a non-public agency. However, in these same States, the State educational agency allows individuals with less than a master's degree to provide services to handicapped infants, children and youth in the schools. The Committee hopes that States will take steps to ensure that professionals providing special education and related services meet appropriate professional requirements in the State to practice a specific profession or discipline.

Evalutaion

Section 406 of the bill amends section 618 of the Act, evaluation, in the following ways. First, the section is amended to reflect the addition of part H relating to early intervention for handicapped infants and toddlers.

Second, the bill modifies the Secretary's obligation with respect to the collection of certain data by age and disability category to provide that for infants and toddlers age 0–2, inclusive, and handicapped children aged 3–5, inclusive, the data collected shall not be by disability category but rather for the age group as a whole. This amendment will enable States to identify and serve young handicapped children and infants and toddlers without having to categorically label these children by disability category because of the existence of the data collection requirements.

Third, the bill provides that in the annual report for fiscal year 1988, which is published in 1989, the Secretary must include special sections addressing the provision of a free appropriate public education in rural areas and to migrants, children and youth of limited English proficiency, Indians, Native Hawaiians, and other native Pacific basin children and youth.

Before October of 1989, the Secretary shall study and then include in the earliest possible annual report submitted to Congress on the implementation of new part H of the Act. The information to be obtained should: describe which States have chosen to participate in the program; how States have defined "developmentally delayed;" what States have done regarding the development of "State policy"; what are the actual or anticipated costs of serving a child; what are the sources of funds for services to handicapped infants

and toddlers used by the states; how many children are being served; and what types of services and programs do these children move into when they reach the age of three. The Committee expects the Secretary to utilize the data required under new section 676(b)(14).

The bill also authorizes to be appropriated to carry out this section the following:

AUTHORIZATION LEVELS FOR FISCAL YEARS 1987–1989, SECTION 618

[In millions]

Program area	FY87	FY88	FY89
Evaluation	$3.8	$4.0	$4.2

Repealer

Section 407 of the bill repeals section 604 of the Act establishing the National Advisory Committee on the Education of Handicapped Children and Youth.

Rehabilitation counseling services

The Committee received testimony regarding the limited use by local school districts of rehabilitation counselors to meet the special needs of handicapped children and youth. The definition of the term "related services" in the Act includes counseling services. It is the intent of this Committee that counseling services be construed to include rehabilitation counseling services and that such a service must be provided to a handicapped youth who requires such service in order to benefit from special education services, consistent with the child's individualized education program.

Least restrictive environment and administrative convenience

The committee heard testimony at the hearings regarding the relationship between the least restrictive environment provision in the law and administrative convenience of the agency providing special education and related services. It is the Committee's understanding that a child's special educational needs are the determining factors in designing an appropriate program; not the availability of certain services or administrative convenience.

Fetal Alcohol Syndrome

The Committee is concerned with the relationship between Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effect (FAE) and handicapped children, particularly Indian children. The Committee encourages research initiatives to determine the relationship between FAS and FAE and handicapping conditions and the difficulty in identifying and appropriately evaluating and serving handicapped children.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(l)(3)(C) of Rule XI of the Rules of the House of Representatives, the estimate prepared by the Congres-

sional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974, submitted prior to the filing of this report, is set forth as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 19, 1986.

Hon. AUGUSTUS F. HAWKINS,
Chairman, Committee on Education and Labor, U.S. House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 5520, The Education of the Handicapped Amendments of 1986, as ordered reported by the House Committee on Education and Labor on September 17, 1986.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes.

Sincerely,

EDWARD GRAMLICH
(For Rudolph G. Penner, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 5520.

2. Bill title: The Education of the Handicapped Amendments of 1986.

3. Bill status: As ordered reported from the House Education and Labor Committee on September 17, 1986.

4. Bill purpose: The primary purposes of this bill are: (1) to provide strong incentives to encourage states to educate all handicapped children aged 3 to 5 by 1990, (2) to amend and extend through 1989 the authorization for appropriations of the categorical grant programs under the Education of the Handicapped Act, (3) to repeal the current incentive grant program and replace it with a new pre-school grant program, and (4) to establish a new grant program for handicapped infants and toddlers. This bill is subject to subsequent appropriations action.

5. Estimated cost to the Federal Government:

EDUCATION OF THE HANDICAPPED ACT AUTHORIZATION LEVELS

[By fiscal year, in millions of dollars]

	1987	1988	1989	1990	1991
Pre-School Grants	11.5	39.4	65.2	187.9	263.8
Handicapped Infants and Toddlers	50.0	75.0	79.5	84.4	89.7
Regional Resource Centers	6.7	7.1	7.5	.....	.....
Deaf-Blind Children	15.9	16.8	17.8	.....	.....
Early Education	24.5	25.9	27.4	.....	.....
Severely Handicapped	5.3	5.6	5.9	.....	.....
Postsecondary Education	5.9	6.2	6.6	.....	.....
Secondary Education	7.3	7.7	8.1	.....	.....
Personal Training	70.4	74.5	79.0	.....	.....
Clearinghouses	1.2	1.9	2.0	.....	.....
Research	18.0	19.0	20.1	.....	.....
Instructional Media	15.0	15.8	16.5	.....	.....
Technology, Education Media, and Materials	10.0	10.5	11.0	.....	.....
Evaluation	3.8	4.0	4.2	.....	.....

EDUCATION OF THE HANDICAPPED ACT AUTHORIZATION LEVELS—Continued

[By fiscal year, in millions of dollars]

	1987	1988	1989	1990	1991
Joint Study	.5				
Total Estimated Authorization Level	246.0	309.4	350.8	272.3	353.5
Total Estimated Outlays	12.1	191.5	296.2	337.7	294.5

The costs of this bill fall within Function 500.

Basis of Estimate.—With the exception of the pre-school grant program, the authorization levels for H.R. 5520, The Education of the Handicapped Amendments of 1986, are those specifically stated in the bill. Outlays are estimated assuming full appropriation of authorized levels and using spendout rates computed by the Congressional Budget Office on the basis of recent program data.

The pre-school incentive grants under current law are a discretionary program permanently authorized at such sums as may be necessary. They were funded at $28.7 million in 1986. If fully funded at the present $300 per child limit (based on the number of children ages 3–5 served in the previous school year), the grants would cost the federal government $77.6 million in 1987, increasing to $81.4 million in 1991. H.R. 5520 would amend the grants by increasing the maximum amount per child to $400 in 1988 and $500 in 1989 and by authorizing a maximum grant through 1989 of $3800 per estimated additional child to be served in that year when compared to the number of children served in the previous school year. In 1990 and thereafter, the grants would be based on a maximum of $1000 per child served in the previous school year.

The bill would also require all states to serve all handicapped children ages 3–5 in order to receive any pre-school grant funding in 1990 and beyond. We assume for this estimate that all states will comply with this requirement. This estimated authorization is based on the increase above the current authorization.

PRE-SCHOOL GRANT PROGRAM

[By fiscal year, in millions of dollars]

	1987	1988	1989	1990	1991
New Authorization	89.1	117.9	144.8	268.4	345.2
Current Authorization	77.6	78.5	79.6	80.5	81.4
Change in Authorization	11.5	39.4	65.2	187.9	263.8

6. Estimated cost to State and local government: H.R. 5520 would require all states to expand their educational services to provide disabled children from ages 3 through 5 a free appropriate education in order to remain eligible for federal funds for that age group under P.L. 97–142, the Education of the Handicapped Act. States would have to implement this law by 1990, or 1991 if federal appropriations do not meet certain targets. Currently, states are not required to serve children aged 3 to 5 if such service is inconsistent with state law or practice, or the order of any court. This new re-

quirement could have a significant impact on state and local government budgets, potentially increasing the costs nationally by $575 million in 1990.

Present law mandates that states receiving grant assistance provide a free appropriate education to specifically defined handicapped children aged 6 to 17 with the option of serving all handicapped children aged 3 to 21. Currently, all states participate in the state grant program for children 6 to 17, but as of July 1985, only 21 states, 4 territories, and the District of Columbia served all handicapped children from age 3. Approximately 260,000 3 to 5 year olds were served in 1985. H.R. 5520 would therefore require as many as 29 states and 2 territories to expand services to cover more age groups, more types of disabilities, or both, in order to continue to receive federal grant assistance for that age group.

Our estimate of the cost of providing education to a disabled 3 to 5 year old child is based on a Rand report (Kahalik, Thomas, and Carney, 1981) considered by many to be the most reliable source on the costs of special education. The findings, based on the 1977–78 school year, have been updated for actual and projected inflation, resulting in an estimated cost per child of $7800 in 1990.

The Department of Education estimates that about 70,000 disabled 3–5 year old children are not currently being served. That number will increase to about 74,000 in 1990. H.R. 5520 requires that these additional children be served.

Based on these estimates, the additional cost of providing full services to these children in 1990 will be about $575 million. The additional cost to state and local governments will depend on a state's existing level of service and the amount of funding that would be provided by the federal government. Currently, federal grants cover approximately 7 percent of the cost of education for handicapped children. Other federally funded programs, such as Head Start, may be an additional source of funding for this age group.

H.R. 5520 also established a new program of grants to states for handicapped infants and toddlers. These grants are authorized at $50 million in 1987, $75 million in 1988, and such sums as may be necessary thereafter through 1991. There are no federal fund matching requirements. The other programs authorized in this bill are carried out by grant, contract, or cooperative agreements with state education agencies, institutions of higher education, and public and nonprofit private organizations.

7. Estimate comparison: None.

8. Previous CBO estimate: On May 29, 1986, CBO submitted a cost estimate for S. 2294, the Education of the Hnadicapped Amendments of 1986, as ordered reported by the Senate Labor and Human Resources Committee on May 20, 1986. CBO estimated the total authorization level of that bill to be $277.5 million in 1987, $287.8 million in 1988, and $298.9 million in 1989.

S. 2294 mandated all states to serve all handicapped children by 1990, in order to remain eligible for any state grant funding under P.L. 94–142. That bill also expanded the definition of handicapped to include developmentally delayed children. As a result of the change in the definition, the estimated number of handicapped

children to be served by states under the S. 2294 mandate was significantly higher.

In addition, CBO used the Rand study to estimate cost per child for H.R. 5520. Recent information has indicated that this study provides the most reliable estimate. The resulting estimated cost per child is therefore higher for H.R. 5520 than the range of levels used in the estimate of S. 2294.

9. Estimate prepared by: Ken Pott (226-2820).

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

Committee Estimate

With reference to the statement required by clause 7(a)(1) of Rule XIII of the Rules of the House of Representatives, the Committee agrees with the estimate prepared by the Comgressional Budget Office.

Inflationary Impact Statement

Pursuant to clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 5520 will have no inflationary impact on prices and costs in the operation of the national economy. It is the judgment of the Committee that there is no inflationary impact of this legislation as a component of the Federal budget.

Committee Findings

With reference to the statement required by clause 2(l)(3)(A) of Rule XI of the Rules of the House of Representatives regarding any findings or recommendations pursuant to this Committee's oversight reviews or studies, the Subcommittee on Select Education has conducted seven legislative hearings on this bill.

Oversight Findings and Recommendations of the Committee on Government Operations

In compliance with clause 2(l)(3)(D) of Rule XI of the Rules of the House of Representatives, the Committee states that no findings and recommendations of the Committee on Government Operations were submitted to the Committee with reference to the subject matter specifically addressed by H.R. 5520.

Summary

The Committee on Education and Labor finds that H.R. 5520, as amended appropriately amends and reauthorizes the Education of the Handicapped Act.

Section-by-Section Analysis

TITLE I—HANDICAPPED INFANTS AND TODDLERS

Section 101(a). This section adds a new Part H to the Act under which a new discretionary program is established addressing the

special needs of handicapped infants and toddlers and their families.

New section 671 of the Act.—This section contains the findings and policy of the new part.

New section 672 of the Act.—This section defines the term "handicapped infants and toddlers" and the term "early intervention services".

New section 673 of the Act.—This section provides general authority to the Secretary of Education to make grants to each State under part H.

New section 674 of the Act.—This section specifies the general criteria a State must satisfy in order to be eligible for assistance under the new part H—the State must have established a State Early Intervention Council.

New section 675 of the Act.—This section specifies the criteria governing continuing eligibility for assistance under part H.

New section 676 of the Act.—This section specifies the minimum components of a statewide system consisting of a comprehensive, coordinated, multi-disciplinary, interagency program of early intervention services for all handicapped infants and toddlers and their families.

New section 677 of the Act.—This section establishes and describes the individualized family service plan.

New section 678 of the Act.—This section sets forth the policies governing the submission of a State's application and statement of assurances and the approval by the Secretary.

New section 679 of the Act.—This section specifies that in addition to using funds under part H to plan, develop, design, and implement the statewide system, a State may use such funds for direct services for handicapped infants and toddlers that are not otherwise provided from other public or private sources and to expand and improve on services that are otherwise available.

New section 680 of the Act.—This section sets out the procedural safeguards which must provide, at a minimum, for: the timely resolution of administrative complaints by parents and the right to appeal to State or Federal court; the right to confidentiality of personally identifiable information; the opportunity to examine records; procedures to protect the rights of the handicapped infant and toddlers whenever the parents or guardian of the child are not known, are unavailable or the child is a ward of the State, including the assignment of a surrogate; and written prior notice to the parents or guardian under specified circumstances; procedures to ensure that the notice is in the parents or guardian's native language, and procedures pending the resolution of the complaint.

New section 681 of the Act.—This section specifies that funds provided under part H may not be used to satisfy a financial commitment for services which would have been paid for from another public or private source but for the enactment of this part. However, the State may use part H funds to pay the provider of such services pending reimbursement by the agency which has ultimate responsibility for the payment whenever considered necessary to prevent the delay in the receipt of the appropriate early intervention services by the handicapped infant or toddler. The State must develop a procedure for securing timely reimbursement.

Consistent with the above requirement, new section 681 also specifies that nothing in part H should be construed to permit the State to reduce medical or other assistance available or to alter eligibility (to the detriment of handicapped infants or toddlers) under title V (relating to maternal and child health) or title XIX of the Social Security Act (relating to Medicaid for handicapped infants and toddlers) within the State.

New section 682 of the Act.—This section establishes a State Interagency Coordinating Council, and specifies its composition, rules governing its meetings, its management authority, its functions and responsibilities, rules governing conflict of interest and the use of existing councils.

New section 683 of the Act.—This section specifies the policies governing Federal administration.

New section 684 of the Act.—This section specifies the policies governing the allocation of funds among the States on a per capita basis with a minimum small State setaside ensuring that the small States will not receive less than 0.5 percent. This provision also includes an allocation to the Secretary of the Interior for the provision of early intervention services to handicapped infants and toddlers and their families.

New section 685 of the Act.—This section authorizes to be appropriated to carry out part H $50 million for fiscal year 1987, $75 million for fiscal year 1988, and such sums as may be necessary for each of the three succeeding fiscal years.

Section 101(b).—This section mandates a joint study to be conducted by the Secretary of Education and the Secretary of Health and Human Services of the Federal funding sources and services for early intervention programs and provides for the coordination of interagency actions. A joint report must be submitted to Congress no later than 18 months after the date of the enactment of this Act describing the findings of the study and the joint actions taken.

TITLE II—HANDICAPPED CHILDREN AGED 3 TO 5, INCLUSIVE

Section 201.—This section amends section 619 of the Act to repeal the current incentive grant program and create in lieu thereof a new pre-school grant program. The bill authorizes to be appropriated for the pre-school grant program such sums as may be necessary.

The bill also establishes maximum levels which a State may receive under the new program; includes conditions which a State must satisfy in order to be eligible for assistance; prescribes the apportionment of funds between the State educational agency and local educational agencies and the procedure for sub-allocating funds to local educational agencies; identifies acceptable uses of funds under this program; includes an amendment concerning the circumstances under which a State may count handicapped children aged 3–5 for purposes of receiving funds for the basic State grant under section 611 of the Act and other conforming amendments to section 611.

Section 202.—This section amends part A of the Act by adding a new section 619 which provides that effective during the school

years in which a State must provide a free appropriate public education to all handicapped children aged 3–5 in order to be eligible for a grant under section 619 (pre-school grant), no State or local educational agency or intermediate educational unit or other public institution or agency may receive a grant under Parts C through G which relate exclusively to programs, projects, and activities pertaining to children aged three to five, inclusive unless the State is eligible for a pre-school grant under section 619.

Section 203.—This section clarifies the relationship among public agencies for providing or paying for services set out in a child's individualised education program.

First, section 612(6) of the Act is amended by clarifying the policy set forth therein placing ultimate responsibility on the State educational agency for ensuring compliance with the requirements of Part B of the Act. The bill explains that this policy should not be construed to limit the responsibility of agencies other than educational agencies in a State from providing or paying for some or all of the costs of a free appropriate public education to be provided handicapped children in the state.

Second, the "supplement, not supplant" provision in the Act (section 613(a)(9)(B)) is amended.

Third, the State must set forth policies and procedures for developing and implementing interagency agreements between the State educational agency and other appropriate State and local agencies.

Fourth, Part B may not be construed to permit a State to reduce medical or other assistance available or to alter eligibility under title V or title XIX of the Social Security Act with respect to the provision of a free appropriate public education for handicapped children within the State.

TITLE III—DISCRETIONARY PROGRAMS

Section 301.—This section permits the regional resource centers to provide assistance with respect to early intervention services for handicapped infants and toddlers and their families; specifies that services provided by these centers must be consistent with the priority needs identified by the States served by a center and with the Department's findings contained in monitoring reports; and expands the functions of the centers to include the provision of information to and training for agencies, institutions, and organizations regarding techniques and approaches for submitting applications for grants, contracts, and cooperative agreements under parts C through G of the Act.

The Secretary is authorized to establish one coordinating technical assistance center focusing on national priorities established by the Secretary to assist the centers in the delivery of technical assistance, consistent with such national priorities.

Of the funds made available to carry out the centers, not less than the amount made available in the previous year must first be made available for the regional centers and nor more than $500,000 for the national center.

Section 302.—This section authorizes the Secretary to, among other things, make grants or enter into contracts or cooperative

agreements with the entities set out in section 624 of the Act for the purposes set out in section 624(a).

Section 303.—This section clarifies that funds may be used to support pre-school and early intervention demonstration and outreach programs as well as experimental programs; directs the Secretary to arrange for the establishment of a technical assistance development system (TADS) to assist entities operating experimental, demonstration, and outreach programs and to assist State agencies to expand and improve services provided to handicapped children; directs the Secretary to arrange for the establishment of early childhood research institutes to carry on sustained research to generate and disseminate new information on early intervention for young handicapped children and their families; provides that at least one year prior to the termination of grant, contract, or cooperative agreement for a system or research institute, the Secretary must publish in the Federal Register a notice of intent to recompete the award contingent on the appropriation of sufficient funds by Congress; provides authority to the Secretary to make grants and enter into contracts or cooperative agreements for the purpose of research under section 624(a)(1) and training under section 624(a)(3); and repeals the subsection in the Act authorizing State planning, development, and implementation grants for preschool and early intervention.

Section 304.—This section amends section 624 of the Act by focusing funding on programs for the severely handicapped.

Section 305.—This section adds a requirement (pertaining to postsecondary education programs) that recipients must coordinate their efforts with and disseminate information about their activities to the clearinghouse on postsecondary programs; and requires that at least one year prior to the termination of a grant or contract with any of the four regional centers of the deaf, the Secretary must publish in the Federal Register a notice of intent to recompete the award, contingent on the appropriation of sufficient funds by Congress.

Section 306.—This section clarifies the policy that secondary and transitional services programs can serve not only handicapped youth currently in school but may also serve handicapped youth who recently left school; clarifies the concept of "transition" to connote services that are provided to a handicapped child throughout his years in school, not simply during the last two or three years before he or she graduates out of the special education system; clarifies the criteria used to approve applications for assistance under this section; and adds a tenth category to the list of authorized projects—specifically designed physical education and therapeutic recreation programs to increase the potential of handicapped youths for community participation.

Section 307.—This section sets the authorization levels for sections 621, 622, 623, 624, 625, and 626.

Section 308.—This section clarifies the purpose of training to include training for careers in early intervention; specifies that in making grants, the Secretary must base the determination on information relating to the present and projected need for the personnel to be trained based on identified State, regional, and national shortages, the capacity of the institution or agency to train

qualified personnel, and other information considered appropriate by the Secretary; includes the application of new technology as an example of new approaches for training; and ensures that at least 65 percent of the funds appropriated under this section are used for purposes under sections 631(a)(1)(A)–(E) of the Act.

With respect to parent training centers, the bill provides that parents (current law) and persons who work with parents for the benefit of the parents or who train other parents (instead of volunteers, which is in current law) are the beneficiaries of the training; provides that such grants must be designed to meet the unique training and information needs of parents of handicapped children (current law), particularly (striking the word "including") those who are members of groups that have been traditionally underrepresented, living in the area to be served by the grant; and specifies that the Secretary give priority to grants which involve unserved areas; and clarifies that parent training and information programs may, at the recipient's discretion, include State or local educational personnel where such participation will further an objective of the program assisted by the grant.

Section 309.—This section directs the Secretary to make grants to each State educational agency for traineeships and to institutions of higher education to assist in establishing and maintaining preservice and inservice programs to prepare personnel to meet the needs of handicapped infants, toddlers, children, and youth or supervisors of such persons, consistent with the personnel needs identified in the State's comprehensive system of personnel development under section 613.

Section 310.—This section creates a new clearinghouse developed exclusively to encourage students to seek careers and professional to seek employment in the various fields relating to the education of handicapped children and youth.

Section 311.—This section authorizes the appropriation of funds to carry out part D (other than section 633) and section 633.

Section 312.—This section clarifies that research and demonstration projects in education of handicapped children may include issues related to early intervention for handicapped infants and toddlers; and adds the following to the list of authorized uses of funds: the development of instruments, including but not limited to, tests, inventories, and scales for measuring progress of handicapped infants, toddlers, children and youth across a number of developmental domains.

Section 313.—This section directs the Secretary convene panels of experts who are competent to evaluate proposals for projects under parts C through G. The panel must be composed of individuals from the field of special education for the handicapped and other relevant disciplines who have significant expertise and experience in the content areas and age levels addressed in the proposals and handicapped individuals and parents of handicapped individuals when appropriate. The panels must include a majority of non-Federal members.

This section also specifies the circumstances under which panels must be convened; and authority for payment to travel and per diem and consultant fees; and authority to use funds available

under parts C through G to pay expenses and fees of non-Federal members of panels.

Section 314.—This section authorizes funds for appropriation to carry out part E.

Section 315.—This section clarifies programs providing instructional media for the handicapped include addressing problems of illiteracy among the handicapped; clarifies that public libraries may be used for the distribution of captioned films and other educational media and equipment; and authorizes grants or contracts for education media and materials for the deaf; authorizes the Secretary to enter into arrangements with the National Theatre of the Deaf; and repeals section 653, centers on educational media and materials for the handicapped and includes instead a new part G.

Section 316.—This section authorizes funds for appropriation to carry out Part F.

Section 317.—This section adds a new part G (replacing section 653 of the Act) which is designed to advance the use of new technology, media, and materials in the education of handicapped students and the provisions of early intervention to handicapped infants and toddlers and authorizes funds to be appropriated to carry out Part G.

TITLE IV—MISCELLANEOUS

Section 401.—This section amends section 607 of the Act pertaining to architectural barriers to clarify that the Secretary may also make grants to the Secretary of the Interior for the purpose of removing barriers in schools serving Indians on reservations.

Section 402.—This section clarifies that community colleges receiving funding from the Secretary of the Interior under P.L. 95-471 are considered institutions of higher education for purposes of applying for grants under parts C through G of the Act (the discretionary programs) and that the term "public or private nonprofit agency or organization" includes an Indian tribe. Definitions of the terms "Indian" and Indian tribe" are also included.

Section 403 of the bill amends the 12 percent cap in section 611(a)(5)(A)(i) of the Act to be in more consistent with other changes in this bill regarding increased incentives to serve children aged 3 to 5, inclusive.

Section 403.—This section expands the use of funds under the State set-aside for administration to the extent that the cost of monitoring and complaint investigation exceed the cost of monitoring and compliant investigation during fiscal year 1985.

Section 404.—This section increase to 1.25 percent the amount reserved for use by the Secretary of the Interior for the education of handicapped children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior; requires that the Secretary of the Interior assure that all handicapped children aged 3 to 5, inclusive, receive a free appropriate public education by or before the 1987-88 school year; and that there are public hearings, adequate notice of such hearings, and an opportunity for comment to members of tribes, tribal governing bodies, and designated local school boards before adop-

tion of the policies, program, and procedures required under section 614(a) of the Act.

Section 405.—Under this section, States must include in their plans policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out the purposes of Part B are appropriately and adequately prepared and trained, including: (1) the establishment and maintenance of standards which are consistent with any State approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area in which he or she is providing special education and related services, and (2) to the extent such standards are not based on the highest requirements in the State applicable to a specific profession or discipline, the steps the State is taking to require the retraining or hiring or personnel that meet appropriate professional requirements in the State.

Section 406.—This section amends section 618 (evaluation) to reflect the addition of part H relating to early intervention for handicapped infants and toddlers; modifies the Secretary's obligation with respect to the collection of certain data by age and disability category to provide that for infants and toddlers aged 0–2, inclusive, and handicapped children aged 3–5, inclusive, the data collected shall not be by disability category but rather for the age group as a whole; and provides that in the annual report for fiscal year 1988, which is published in 1989, the Secretary must include special sections addressing the provision of a free appropriate public education to handicapped children in rural areas and to migrants, children and youth of limited English proficiency, Indians, Hawaiians, and other native pacific basin children and youth. This section also authorizes to be appropriated funds to carry out this section.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omited is enclosed in black brackets, new matter is printed in italic existing law in which no changes is proposed is shown in roman):

EDUCATION OF THE HANDICAPPED ACT

PART A—GENERAL PROVISIONS

* * * * * * *

DEFINITIONS

SEC. 602. (a) As used in this title—

(1) * * *

* * * * * * *

(11) The term "institution of higher education" means an educational institution in any State which—

(A) * * *

* * * * * * *

(D) is a public or other nonprofit institution; [and]

(E) is accredited by a nationally recognized accrediting agency or association listed by the Secretary pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: *Provided, however,* That in the case of an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the Secretary determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons especially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this Act and shall determine whether particular institutions meet such standards. For the purposes of this paragraph the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered[.]; *and*

(F) The term includes community colleges receiving funding from the Secretary of the Interior under Public Law 95-471.

• • • • • • •

(23)(A) The term "public or private nonprofit agency or organization" includes an Indian tribe.

(B) The terms "Indian", "American Indian", and "Indian American" means an individual who is a member of an Indian tribe.

(C) The term "Indian tribe" means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaskan native village or regional village corporation (as defined in or established under the Alaska Native Claims Settlement Act).

• • • • • • •

NATIONAL ADVISORY COMMITTEE ON THE EDUCATION OF HANDICAPPED CHILDREN AND YOUTH

[SEC. 604. (a) The Secretary shall establish in the Department of Education a National Advisory Committee on the Education of Handicapped Children and Youth, consisting of fifteen members, appointed by the Secretary. Not less than five such members shall be parents of handicapped children and the remainder shall be handicapped persons (including students), persons affiliated with education, training, or research programs for the handicapped, and those having demonstrated a commitment to the education of handicapped children.

[(b) The Advisory Committee shall review the administration and operation of the programs authorized by this Act and other

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Point of View:
Commenting on P.L. 99-457

by
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In early spring, perhaps at the moment you are reading this article, draft regulations for P.L. 99-457, the Education of the Handicapped Act Amendments of 1986, will be published in the *Federal Register*. These preliminary regulations will be designed to clarify the legislation enacted in October of last year which created a new discretionary program for states to address the needs of disabled and at-risk infants, toddlers and their families. Comment on the regulations regarding services for children from birth through two years and their families will be accepted for 60 days. After these comments have been analyzed by Department of Education personnel and changes have been made if deemed appropriate, final regulations will be promulgated.

We urge everyone concerned about the well-being and development of infants, toddlers and their families to study P.L. 99-457 and, if possible, the committee report; to consider the appropriateness of the proposed regulations; to weigh their implications for his or her own family, agency, community and state; and to submit comments. Since this article is being written while the regulation drafting process is still underway in the Department of Education, we are not offering our own comments here. Instead this brief essay attempts to place P.L. 99-457 in the broader context of current national initiatives on behalf of very young children and their families. The four authors, each with different professional training and experience, also suggest, from our varied perspectives, some points to consider as we study the proposed regulations. Although P.L. 99-457 affects children from birth through five, we will focus here on the implications of the law for infants and toddlers.

The context

P.L. 99-457 has been enacted at a time when children from birth to three and their families are attracting attention at many levels of policymaking. In communities across the country, grassroots family resource programs and parent-to-parent networks are striving to support parents who are coping with the ordinary stresses of contemporary childrearing as well as families whose infants and toddlers face special challenges. While some organizations are mobilizing community-based public and private resources to meet unique local needs, other groups are forming state and national coalitions to press for widespread action to establish more adequate prenatal care, parental leave guarantees, increased family support services, and greater child care options.

In response to such activities, but also out of independent recognition of the importance of the earliest years of life, a number of states are beginning to invest heavily in services for very young children and their parents. Some have already incorporated

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health, education and social services into coordinated systems of early intervention services for disabled, developmentally delayed and at-risk infants and toddlers. States also have been revising child care standards for very young children and are seeking to

improve the training of providers. Several are mounting innovative prevention initiatives intended to reduce infant mortality and low birthweight, reduce the incidence of teen pregancy, and provide social support for young families. Some states are deeply involved in all three types of efforts designed to benefit children under three and their families; a few are seeking to integrate employment-related child care, prevention and early intervention activities at the state and local level.

At the federal level, although appropriations remain inadequate to meet the needs of all families with young children who meet eligibility requirements, most policymakers do now acknowledge the effectiveness of existing programs such as Head Start and WIC (the Special Supplemental Food Program for Women, Infants, and Children). In addition to P.L. 99-457, the 99th Congress passed the Sixth Omnibus Budget Reconciliation Act of 1986 (P.L. 99-504), which allows states to expand Medicaid eligibility significantly to pregnant women and children up to age 5. Congress also increased the Maternal and Child Health Block Grant authorization by $75 million and designated future possibilities for earmarked funds for primary health services demonstration projects for children and community-based service network and case management services for children with special health needs. Although comprehensive federal child care legislation is far from enactment, the 99th Congress did appropriate $1 million for scholarships to enable low-income child care employees to seek training and national certification as Child Development Associates.

Reform of the nation's welfare system is of current major concern to both federal and state policymakers, who are only too well aware of the growing numbers of young children whose early development and future productivity are likely to be compromised by a childhood lived in poverty. The daily caregiving experiences of many infants and toddlers are likely to be affected significantly by such efforts.

Increased attention, at so many levels, to the earliest years of life offers practitioners, parents, and planners new opportunities for collaboration — and new arenas for potential conflict. As we work together we must keep in mind our common goal: to provide supports that strengthen, rather than undermine, families and that are responsive to the multiple needs of infants and toddlers. As we study the broad legislative language of P.L. 99-457, we need to imagine creative ways to use its provisions to improve integrated services in our own states and communities.

P.L. 99-457's challenge to the field

The Education of the Handicapped Act Amendments of 1986 are, inevitably, a product of their time. They recognize both the central role of families in the lives of their children and the tremendous potential of early intervention to enhance the development of disabled and at-risk infants and toddlers. The amendments are testimony both to the passionate conviction of their Congressional sponsors, Lowell Weicker and Pat Williams, and to the ability of a broad range of professionals and advocates to craft (very quickly) a piece of legislation that (astonishingly quickly) could be reported out of committee, voted on by both houses of the Congress, and signed by the President.

In the words of a key committee staff member, however, "Congress doesn't know how to structure a program that is responsive to the developing infant rather than to a bureaucracy." This is the task *we* must all address. We can begin by commenting on the legislation and on the proposed federal regulations from our perspectives as parents, practitioners, researchers and administrators. At the same time we need to get involved in our state-level processes of designating or establishing a lead agency to administer services for children birth through 2 years, of choosing an advisory council, and of defining the population to be served. As we do so, we should keep in mind what we have learned over the past few decades about the developing infant and about programs that are responsive to the needs of young children.

Selected points to consider

1. It is time to move beyond complex service "systems" that require parents to assemble the puzzle pieces themselves.

P.L. 99-457 requires the development of a comprehensive service system. Let us use this opportunity to create programs that offer children and families a

coherent core of basic services. These should include, at a minimum:

- child developmental/educational services;
- appropriate therapies and health services; and
- parent support.

Parents should not be required to "shop around" for discrete services — to seek, for example, a group social and language experience through the public schools; one set of therapies from a private agency; additional, separate therapies from a hospital team and parent support from yet another source. It is our professional responsibility to design programs that integrate all necessary services. We should also make every effort to work toward the provision of these services through interdisciplinary teams, whose members, including parents, work together on an ongoing basis. The provisions and regulations of P.L. 99-457 can be used to facilitate this goal.

In addition to requiring integration, early intervention services must be flexible and tied to individual family needs. Toward this end, we should use the new legislation to move existing programs to new levels of creativity. As a "one-size-fits-all" curriculum is inappropriate for children, a "one-size-fits-all" program model that offers only home visiting or only center-based group programming or only individual therapy will not meet the range of needs of families. The development of specialized components within a comprehensive early intervention program can ensure that different populations are served appropriately, with families able to decide on the level of intensity of contact they wish, and to choose from among a variety of program services and models. For example, children with multiple, severe disabilities may need developmental day care and/or respite services as part of their early intervention programs. Families of children with progressive disorders or life threatening illness should be able to receive appropriate nursing, therapeutic and social support services through, or closely coordinated with, the early intervention program. Appropriate services should remain available to the dying child and to the bereaved family. Families and infants living in environments that may be inadequate to support a young child's healthy development should be able to participate in developmentally appropriate day care services as needed, tied to specialized developmental and social services.

Lastly, we must assure that access to services is easy. If public awareness efforts are successful, many people in the community may identify young children and families appropriate for screening, assessment and services. Every community should have one place to call with referrals, and responsive people at the other end of the phone.

2. While P.L. 99-457 is administered at the federal level by the Department of Education, health services must be an important, integrated part of a comprehensive early intervention service system.

That P.L. 99-457 may seem to lack sufficient emphasis on health services for young children with disabilities may say more about the legislative process through which the law was drafted and passed than about the actual content — current or desired — of early intervention services. Although the medical contribution to overall service delivery may vary throughout childhood and into the adolescent years, its importance in the *first* years of life is clear. Thus, regardless of which agency is designated as the "lead agency" for children from birth through two years in a given state under P.L. 99-457, close collaboration among the health, education, and social service communities is essential.

As the professional with, often, the greatest opportunity to have ongoing contact with very young children and their families, the primary care physician or nurse must play a vital role in any strategy focused on the early identification of infants with atypical development. The initial assessment of any young child with developmental delays or difficulties requires the inclusion of a comprehensive pediatric history, a complete physical and neurodevelopmental examination, and consideration of appropriate medical diagnostic procedures. Although at times subsequent educational and therapeutic planning for some children may be relatively unaffected by the findings of a medical evaluation, such information is still important for all parents, as they seek answers to such questions as: What caused my child's problem? Is it inherited? Are there other associated concerns that we should expect in the future? Is there any medical treatment that will help?

Beyond the process of identification and initial evaluation, the medical contribution to the ongoing care and management of an infant with disabilities may be substantial. For some children, persistent or intermittent health problems can influence the implementation and effectiveness of individualized educational plans. Seizure disorders, congenital heart disease, recurrent otitis media, and chronic respiratory infections are some of the many health impairments that can impede developmental progress and that require close pediatric and/or subspecialty supervision. Children whose very survival depends on sophisticated medical technology, such as those who require supplementary oxygen or ventilator assistance, represent an extreme yet increasingly prevalent example of youngsters whose individualized service plans demand the integration of sophisticated health, education, and social services.

Finally, as the professional who is likely to have the most enduring relationship with a child and his or her family from birth through adolescence (for those families who have access to pediatric care), the primary care pediatrician can play a consistent, stable role in helping to provide family support, coordinate resources and facilitate the multiple transitions from the newborn nursery through early intervention programming, school-based special education, and vocational services.

3. Inappropriate assessment and premature labeling of children must be avoided; such practices have done harm, particularly to minority children, in a number of state and community programs ostensibly designed to enhance their development.

While we welcome opportunities to serve new groups of infants, toddlers and their families, we must recognize that early intervention services as described in P.L. 99-457 cannot be all things to all vulnerable young children. Many infants, toddlers and families need other types of community-based support if they are to achieve their full potential, and many need a combination of early intervention and other health, education and social services. The population to be served through P.L. 99-457 must be defined with great care.

Much has been written about past abuses of psychological evaluation. We have ample evidence that the current state of the art in child and family assessment is sufficiently ambiguous to warrant extra concern about the potential risks of categorizing either the abilities of very young children or the functioning of their families. One of the minimum components of a statewide system for children birth through age two under P.L. 99-457 is "performance of a timely, comprehensive and multidisciplinary evaluation of the functioning of each handicapped infant and toddler, and the needs of the families to appropriately assist in the (child's) development." We must ensure that such assessments are as appropriate and sensitive to the very young children (and the families) involved as they are comprehensive and timely.

We need to be extremely cautious in any broad scale implementation of assessment and intervention strategies. When there are risks that certain groups may be stigmatized by evaluation procedures, we need to be doubly sure that assessments help children, families and communities view themselves positively. We must ensure that services proposed for a child and family grow logically out of their assessments, and that they make good conceptual sense. Services should also emphasize positive roles and outcomes as much as possible, for everyone involved.

Frequent parent and professional review of individualized family service plans and other procedural safeguards for parents under P.L. 99-457 will be important mechanisms for monitoring the benefits of assessment and early intervention programs. In addition, research efforts supported by P.L. 99-457 funds should be directed toward increasing our capacity to understand the complexities of child development in our multicultural society, to assess appropriately the functioning of individual children and families, and to offer relevant services of whose value we are confident.

4. Responsiveness to parents, by both service providers and state and local agency decisionmakers, is central to accomplishment of the goals of P.L. 99-457.

P.L. 99-457 recognizes families as central to the development of children and underscores the primacy of parents in the lives of their infants and toddlers. The section of the law on the individualized family service plan, for example, requires a statement of family strengths (as well as needs) related to enhancing the development of their infant or toddler with disabilities.

The Education of the Handicapped Act Amendments of 1986

(P.L. 99-457) were signed into law on October 8, 1986. The Act creates a new discretionary program to assist states to plan, develop and implement a comprehensive, coordinated interdisciplinary program of early intervention services for handicapped infants and toddlers and their families.

Fourteen minimum components of a statewide system of services for handicapped children from birth through age two and their families are specified in the Act. These include:

1) A definition of "developmentally delayed" to be used by the state
2) A timetable for services to all in need in the state
3) Comprehensive multidisciplinary evaluations of needs of children and families
4) Individualized family service plan and case management services
5) A child find and referral system
6) A public awareness program
7) A central directory of services, resources, experts, research and demonstration projects
8) A comprehensive system of personnel development
9) A single line of authority in a lead agency designated or established by the Governor
10) A policy pertaining to contracting or making arrangements with local service providers
11) A procedure for timely reimbursement of funds
12) Procedural safeguards
13) Policies and procedures for personnel standards
14) A system for compiling data regarding the early intervention programs

Copies of P.L. 99-457 are available free of charge from the Senate Document Room, Hart Senate Office Building, Room B04, Washington, D.C. 20510-7106. Requests should be accompanied by self-addressed gummed labels.

It is anticipated that draft regulations concerning P.L. 99-457 will appear in the Federal Register early in the spring. The Federal Register is published by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. To find out whether the draft regulations ("proposed rule") have been published, one may call the Federal Register's information office, tel: (202) 523-5227, and ask for information about the Department of Education's proposed rule concerning the Education of the Handicapped Act Amendments of 1986. The Federal Register Office will not, however, have advance notice of the date of publication of the proposed rule.

Parents should whenever possible be asked to help write the family service plan, not just review it. Similarly, the child find system and public awareness programs that must be components of statewide systems will be enhanced if parents help to plan *and* to implement them.

In many other areas as well, P.L. 99-457 offers opportunities for families to use their strengths on behalf of their own and other young children with disabilities. Parents can be service providers and care managers as well as service recipients. They can be trainers as well as trainees. They can help to evaluate the functioning of service programs as well as be involved in the assessment of their own child and the functioning of their family. They can advise as well as "be informed."

The opportunities presented by the language of P.L. 99-457 must still be translated into regulations. Regulations, in turn, must be used to guide actual programs and practices so that these recognize, support and use family strengths, as well as respond to family needs. When parents and professionals work together in each step of this process, opportunities may have the best chance of becoming realities.

5. Preparation of qualified personnel for early intervention will be critical to the effectiveness of expanded early intervention efforts.

The House Committee on Education and Labor's

report on P.L. 99-457 described concern that "shortages of qualified personnel in the provision of special education and related services to handicapped children are reaching crisis proportions." The committee report specified further that grants under the new legislation prepare people with the knowledge and skills needed to work effectively specifically on behalf of handicapped children from birth to age five.

Practitioners, parents, researchers, teachers and students concerned with infants and toddlers have long recognized the need for both preservice and inservice training directed toward specific competence in understanding and enhancing the development of children in the earliest years of life. We recognize as well the importance of preparing professionals to collaborate effectively with parents, to function as members of interdisciplinary teams and to work with a variety of human services agencies. Ongoing supervision and collegial support should also be considered as essential elements of staff development. The nurturance of experienced staff is at least as important as recruitment of qualified new personnel.

As regulations are proposed for state and regional training and technical assistance efforts under P.L. 99-457, professionals and parents should think about ways to shape and contribute to these undertakings. For example, parents who have formed non-profit organizations have distinctive and valuable contributions to make to the training both of other parents and of professionals. Professional organizations, as well, have a role to play in formulating the basic competencies needed by any individual who works with infants, toddlers and their families. State-level consortia of early intervention practitioners have creatively stretched meager resources to help members update their knowledge, refine specific skills and learn from each other's experience; they should be able to expand training efforts that have proved helpful both within-state and on a regional level.

Commenting on P.L. 99-457

We believe that P.L. 99-457 offers important opportunities to respond to the needs of vulnerable infants and toddlers through services that may become increasingly well integrated and increasingly sensitive to families with young children. But legislative opportunities do not bring real benefit to children and families until they are translated into federal and state regulations and until these regulations are implemented effectively.

The practitioners, researchers, teachers, parents, planners and administrators who make up the readership of *Zero to Three* tend to have both a profound respect for the uniqueness of every infant and family and a lively sense of the benefits of collaboration among parents and professionals, among disciplines, and among institutions.

We hope that *Zero to Three* readers will comment on the proposed P.L. 99-457 regulations. We hope that you will also become involved in the planning process in your states, bringing to that process your varied perspectives on new and creative approaches to foster the healthy development of infants and toddlers.

Let us know what happens.